United States Court of Appeals for the Second Circuit



APPENDIX



THE COURT: All right. You object?

MR. ENGEL: Yes, the government objects.

THE COURT: All right, fine. We will consider

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it a voluntary absence.

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WD DECUMENT - . .

MR. FISHER: Thank you, your Honor.

(Discussion off the record.)

(In open court; jury not present.)

THE COURT: To the best of my recollection,
last night we had three applications. There was an
application by Mr. Rosenberg for a Wade hearing, there
was an application by the government for prior identification or the admission of evidence as to prior identification,
and there was an application by the government for permission to introduce narcotics seized at the house of John
Springer and also at 150 West 2225th Street; which is the prohouse of Basil and Estelle Hansen.

As far as the Wade hearing is concerned, if we have to have a Wade hearing -- I don't think on the record we have made out or you have made out sufficient for a Wade hearing, Mr.Rosenberg -- I will let you have it, but we are going to have it at 4.30, after the court day. We are going to continue on with the cross-examination of this witness. We are going to continue the trial. Then we will have the Wade hearing and see what we can do with that.

On the question of the prior identification,

I would assume, Mr. Lopez, that you want to be heard on

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that.

MR. LOPEZ: Yes, your Honor.

THE COURT: Go ahead.

MR. LOPEZ: Your Honor, the defendant Di Napoli moves to preclude the prosecution from offering into evidence any pretrial or prior identification of the witness Pannirello by a third party, I think, namely, Agent Nolan.

- 1. In this case the witness Pannirello did identify Di Napoli in the courtroom as distinguished from the many cases where the complainant or witness for the prosecution is unable to identify the defendant.
- identification and the surrounding factors to permit the prior out of court identification.
- 3. The government apparently is attempting to bolster a weak in courtroom identification by a third party in this setting, which is self-serving, your Honor, and denies the defendant Di Napoli the right of confrontation.

Moreover, apparently when some photographs,
a photograph or several photographs, were shown to the
witness Pannirello, to rely on those factors, there was
no counsel at that time, so there would be a denial of a
confrontation with counsel present under a Simmons situation

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Moreover, your Honor, I would like to alert the Court, and I believe the Court has this case, to United States vs. Barbati, 284 Fed. Supp. 409, the year 1968.

THE COURT: That is Judge Weinstein.

MR. LOPEZ: That is correct, that is Judge Weinstein's situation, which carefully, I think, studies the matter and permitted in this case, may I say, a third party prior identification of a defendant, your Honor, but there --

THE COURT: That was the case with a counterfeit bill and he considered it a kind of chain of evidence situation. situation. situation.

MR. LOPEZ: I see that your Honor is alert to that fact.

For all those reasons, your Honor, I think there would be a failure of due process in permitting the government at this stage to introduce the prior identifications they intend to offer.

Thank you, Judge Duffy.

THE COURT: Do you want to rebut?

MR. PHILLIPS: I just want to quote from page 538 of United States vs. Miller, 381 Fed. 2d, a Second Circuit case, one sentence, if I may:

FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580

"Even if Caron had not been impeached, the

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of Miller in open court but could have brought out the details of his positive identification in Milford by his own testimony and also by that of others corroborating his version of the details."

A fortiori, in this case Mr. Pannirello was impeached by Mr. Lopez's cross-examination with respect to his identification of Di Napoli.

THE COURT: The problem with quoting stuff from cases is that each case really revolves around its own facts. I am sure we can abstract certain principles of law from them, but they do evolve around their own facts.

Mr. Siegel, I assume that you are covering for Mr. Pollak.

MR. SIEGEL: That's correct, your Honor.

understand it correctly, that the identification of Salley is a complete different situation than the identification of Di Napoli or any of the cases referred to by the government because here the witness did not identify Salley even though he was sitting in the courtroom on the same line, and basically it would be Mr. Pollak's a gument that any prior identification would be a matter of hearsay and actually would not be bolstering the witness's testimore.

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in any way, but substituting somebody else's testimony for what the witness should have testified to.

Is that his argument?

MP. SIEGEL: Yes, your Honor, that is his argument.

THE COURT: Just so long as I understand it.

Now let's get over to the narcotics. Who wants to be heard on that?

MR. FISHER: With regard to the Springer offer, if your Honor please, I would like to be heard with regard to whether or not this is admissible against any of the codefendants, since that is the matter that interests me, attack and I would submit that it is not.

It cannot be introduced against the defendant Christiano on the present offer so far as I understand it from Mr. Phillips. There is no testimony so far as I can tell that the government relies upon to relate the seizure to any of the transactions testified to or alleged to have occurred.

This, for all the other defendants, may have been a separate undertaking, if any chere was at all, between Mr. Springer and a host or a slew of other people. I think before it can be admitted against any of the other defendants in this case there must be a showing

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that it relates in some way to the conspiracy alleged in the indictment.

I think the same argument would apply with regard to the Hansen seizures as well, your Honor.

MR. PANZER: Your Honor, I would like to add to that.

after my client had been arrested and as far as she was concerned she was out of the conspiracy. There has been no showing by the government that there is any connection of that seizure to any other defendant in this case at this time.

In addition, I would like to point out to your

Honor that your Honor severed Count 30, which was the

substantive count involving that seizure. So certainly the

government could not offer it on that count.

For those reasons I ask your Honor to preclude it.

THE COURT: All right. Mr. Richman.

MR. RICHMAN: If the Court pleases, with relation to the defendant Tolopka, I maintain that not only can this narcotics not be used as against him, but anything that occurred after October of 1970 cannot be used as against him.

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THE COURT: I understand.

MR. RICHMAN: I use October of 1970 as the alleged termination of his contact with this conspiracy at the hands of John Barnaba. I direct your Honor's attention to page 1330 of the transcript of this trial, line 10, when he allegedly informs Forbrick, "From now on don't do anything with Tolopka, he is not to get anything." And that was the People's witness.

admissible against him, but nothing else that occurred after October, 1970, canbe admissible against him.

I use People vs. Cirillo, the government's case - I am government's case - I am government, at least, the citation, as the source of the law on that case -- as well as United States vs. Dougherty, 330

Fed. 2d, 316.

I submit, your Honor, that nothing that occurred after October, 1970, may be applied as against Benjamin Tolopka.

MR. ELLIS: Your Honor, I join in the arguments previously made on behalf of other defendants and I would also like to point out with respect to the Hansen seizure that defendants on trial entirely are deprived of the means to refute the government's contention that that evidence

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was in some way related to this conspiracy by the fact that the Hansens are not here.

We can't investigate the circumstances of the seizure of that evidence, where the Hansens obtained it, we can't refute the claim that it is in some way connected with this conspiracy.

Under those circumstances, your Honor, I submit that the prejudicial value far outweighs any hypothetical probative value that evidence might have to show that the Hansens possessed the means or were prepared to engage in a narcotics conspiracy.

THE COURT: 121 right. Mr. Siegel. 411 right. 421

Wowled MR. SIEGEL: Your Honor, may it please the nouse

Court, the defendant John Springer was indicted in the instant case in early October, 1973. Subsequent to that indictment two subsequent indictments were handed up.

However, in each subsequent indictment the defendant

Springer's role was not changed. In the early indictments as with the later indictment, he was charged with one substantive count occurring in November, 1971, and one conspiracy count. The last indictment was filed by the government on December 7, 1973, approximately four days after the seizure of the contraband alleged in this motion.

However, as previously stated, the defendant's involvement

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in that later indictment has not changed.

The government had an opportunity prior to the filing of that later indictment to add an additional substantive count, to wit, the charge of possession in November, 1973. However, the government's failure to add that charge now can prove fatal against their desires to introduce this evidence.

The government in their argument contends that this contraband is a product of the conspiracy. However, based on the government's direct proof this allegation falls flat on its face.

The evidence adduced at trial to date indicates that the last involvement the accused, John Springer, had in the alleged conspiracy was on or about November, 1971, when it is alleged that certain items of contraband were given to him by the witness John Barnaba. However, the record is barren of any other further involvement of the accused in this conspiracy. This means for a period of two years the defendant has not been involved in this conspiracy at all.

The government may argue that, assuming the defendant was part of the conspiracy in November, 1971, his participation continues. Hoever, this is contrary to the law in U.S. vs. Borelli. There has been no showing

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by the government that the contraband involved in this seizure had any connection with the conspiracy currently on trial. The defendant contents that it is a separate and distinct crime.

Further, for the possession of the contraband the defendant Springer has been indicted by a state grand jury and now faces charges in the state court for possession of narcotics as a Class A felony and bribery, also a felony.

Now, the government cites as its authority the case of Lutwak vs. U.S. After a careful reading of that case I would have to concede to the Court that the Lutwak case does in some way affect the defendant sposition.

The Lutwak case involved a fact situation totally different than the case currently on trial. It involved the importation of Polish war brides into this country, which I am sure the Court is aware of, a fact pattern which can be distinguished totally from the case at trial. That was a '63 decision and in the dissent written by Justice Jackson the Court talks about the possibility of such evidence being admissible only as against one. However, it raises the severe problem of the prejudice affecting all defendants in the case.

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Further, the government relies on U.S. v. Gearney, again a fact situation totally different than the facts at bar. The Gearney case involved a bank robbery and individuals withdrawing and entering the conspiracy.

However, in Gearney there was a very short period of time, a matter of days and weeks. However, in the case at bar we have an absence from the conspiracy of approximately two years.

Now, let's say for arguendo's sake, your Honor, that the acts occurred close in time to the conspiracy.

The defendant then relies on the case of U.S. v. De Cicco.

I will have that cite for you inajust one second. VoThat is 435 Fed. 2d 478. That was ac1970 case, your Honor, out of this circuit.

Now, that case involved stolen art works and the government a tempted to show that the defendants on trial in that case were involved in similar activities prior to the acts charged in the indictment. However, the Court held in that case that evidence of a prior crime is not admissible to show the disposition, propensity or proclivity of an accused to commit the crime charged, and it relied on the case of Boyd v. U.S. The cite is 142 U.S. 450.

Now, in the concurring opinion by Justice Lumbard, Justice Lumbard, in very clear and distinct

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language, relies on his position in U.S. v. Smith, a case which is almost squarely in linewith the fact situation in this case, and it is out of this circuit. The citation of the Smith case is 283 Fed. 2d 760. It was a 1960 case, your Honor.

Now, the rule, as Justice Lumbard said in his concurring opinion, the rule regarding admission of evidence of similar crimes can be simply stated. Such evidence, because of its highly prejudicial nature, is not admissible until the defendant himself has raised the issue of motive or intent.

Now, based on this case it would seem obvious that the government would be in a much better position to argue the relevancy of this case or, rather, the admission of this evidence when the accused, John Springer, takes the stand. Now, after John Springer takes the stand then the government, for purposes of impeachment, can then use this subsequent seizure to show his involvement.

Now, in the Smith case, and that was written by

Justice Learned Hand, the facts involved in that case were

simply stated as a direct sale to a narcotics agent. Now,

at that trial the government attempted to introduce evidence

of prior sales and subsequent sales. The Court, speaking

through Learned Hand in "Mother Goose language" said that

it would be admissible in their redirect case if the defendant argues that he had no involvement in narcotics at all. It is inadmissible, however, because it unduly confuses the decision of the issues at bar.

Further, Justice Hand went on to state that it would tend to have the jury substitute the general moral obliquity -- and where Mother Goose ever said that beats me -- of the accused.

Further, your Honor, the defendant relies on the case of U.S. v. Kahana, a case out of this circuit.

The cite is 317 Fed. 2d 459.

on the Federal Proposed Rules Of Evidence, Sections 40173, dealing with the issue of relevancy.

in this case of the contraband is absolutely zero. The introduction of this contraband could only, if anything, tend to confuse the jury in thinking that, well, if the accused Springer had possession of these items in December, 1973, then he must have had possession throughout and he must have continued in the conspiracy.

I would therefore renew my application that this evidence not be introduced in evidence and, further, I would ask the Court to reconsider the previous cases

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cited in defendant Springer's previous memorandum of law on this issue.

THE COURT: Thank you, Mr. Siegel.

MR. RICHMAN: May I make one other comment, your Honor?

THE COURT: Yes.

MR. RICHMAN: When I made my earlier comment I wanted to point out something else.

The government relies on the admissibility of
the alleged future acts or subsequent acts of a coconspirator by citing U.S. vs. Costello, Lutwak and Gearney.
One of the aspects of those cases is that the subsequent
acts must not be too remote in time or too remote in the court.

relevancy to the particular issue before the Court.

I submit if the relationship of Ben Tolopka to this alleged conspiracy terminated in October, '70, which is an issue your Honor must decide, and obviously it was, since the terminology or the language used by Barnaba, the acts involved here, namely, seizure of certain narcotic drugs in December of 1973, are so remote in time as not to even be relevant to Benjamin Tolopka. They are talking of two years, three months.

THE COURT: I understand.

Honor.

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Just one brief comment, your MR. LOPEZ:

I think that we will have to make a determination, your Honor, as to when the participation of each of the defendants on trial here actually terminated on this alleged conspiracy because of the fact that I think the court is alerted to the fact that even if we consider the Springer narcotics seized as a termination point of his conspiracy, certainly it doesn't apply to any of the other defendants who were incarcerated at the time.

. In the case of DiNapoli, your Honor, his incarceration starts back in January, 1973; sand therefore as I think, first of all, the narcotics should not be assessment permitted into evidence, and certainly if they are in any way it should be done with limiting instructions as it affects certain defendants.

Thank you, your Honor.

THE COURT: All right. Anything else?

MR. ELLIS: Yes, your Honor, on a not

related subject --

THE COURT: Hold it just for a minute.

You might as well find out what the decision is going to be too.

MR. ELLIS: I understood that to mean any-

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thing else.

THE COURT: The question of the prior identifications, I have studied the cases which have been cited, I even got that Barbati case cited by Mr. Lopez. I am not going to permit it.

On the question of the narcotics coming in there still is some question in my mind as to whether the Springer narcotics should be admitted, but I don't have any question as to the narcotics seized in the Hansen apartment. They will not be admitted. As to Springer, I am reserving.

Now, do you have anythingcelse? were anything an

Your Honor, I would most respectfully ask that you explain to the jury the reason for the panorama going on at the steps of this courthouse.

The jury is not getting any news of any
litigations or prosecutions and rather than have them
speculate on the meaning of this rather lurid display
going on on the steps, I think you ought to just tell them
that the Mitchell-Stans trial is starting today.

THE COURT: Does everybody join in that application?

Anybody who does not, let me hear from them.

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All right.

We wi 1 take 10 minutes.

(Recess.)

(In open court; jury present.)

that you came in the front entrance to the courthouse today. When I came in it was cluttered with all kinds of press people and so on and so forth. I think there was somebody there from a television station. It has nothing to do with this case. What that has to do with -- I know that your newspapers are edited, but today the Mitchell-Stans case is starting! The I came just telling you in case you are wondering about what all the news people are about for.

Would you bring back the witness, please.

Mr. Richman, can I see you for a minute,

MR. RICHMAN: Yes, sir.

(At the side bar.)

THE COURT: Mr. Warner called my chambers.

Apparently he had a minor accident. He will be in

later, but he asked if you would cover for him.

MR. RICHMAN: Absolutely. No problem at

all.

please.

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Thank you, sir.

(In open court.)

THOMAS FRANK DAWSON resumed.

THE COURT: All right, Mr. Dawson. You

recall you were placed under oath?

THE WITNESS: Yes.

THE COURT: That oath continues. Okay?

All right, Mr. Rosenberg.

CROSS EXAMINATION CONTINUED

BY MR. ROSENBERG:

anything to you? . anything to you? anything to

..... A .. It rertainly does. A .. To cectalary aces.

Q It does. And would you hesitate to tell a lie if you were to save yourself a few years in jail?

A To save myself a few years in jail?

O -- A few years in jail. Would you lie?

A No. I always pleaded guilty to everything

I was guilty of.

O I didn't ask you that. I asked you whether or notyou would tell a lie if it would save you a few years in jail.

A I don't think so.

O You don't think so?

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A No.

Q All right. When you got through testifying here yesterday where did you go?

A Where did I go? I went back to the -- to the waiting room with the agent.

Q With the agent?

A Yes, sir.

Q ... And who else was present? -

A No one was present in there.

Q And where did you go after that?

A Went out into the hall and caught the elevator and then we went back to my hotel.

Q Well, you were in the elevator. Who was in the elevator with you?

A The agent and Mr. Phillips rode up on the elevator.

Q --- Did you discuss anything?

A No, sir.

Q And then after that you went back to the hotel with the agent, is that correct?

A Yes, sir.

Q Sir, do you remember telling us while you were dealing with Pannirello that there came a time when Jimmy put a package in your car, that time when you

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went under a viaduct? Do you recall that?

- A Yes, sir.
- And do you recall also that after that transaction you went back to Washington and then you came back and paid for that package, is that right?
 - A Yes, sir.
- Q When did you tell us the month that you came back and paid for that package?

A -- I said it should have been somewhere the last of February or March, somewhere in that area.

- was January or February?was January or February?was January
 - A I could have said January of February sa a dunder
- Q Well, would January or February have been a correct date?
- A I can't be sure of any date. I can give you approximate time of the year, that's about all.
- Q So it could have been some time in January that you returned -- we are talking about 1972?

A It wasn't January. No, it wasn't January.

It could have been February or March, the latter part of

February --

- Q That is 1972?
- A Yes.

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Dawson-cross

Q	That	is	when	you	came	back	to	pay	the	money,
right?			_	-	-					

A It would have been a short time. It was never over a week in between.

Q And when do you recall telling us that Jimmy put the package in the car?

- A Some time in January.
- Q Some time in January?
- A ... Yes, sir.
- Q How do you fix January of '72?

available from December. avanta to From December. available

was available and that's then Jimmy brought it to you and Harry Pannirello, is that right?

- A That's right.
- Q --- So that's how you know it was January?
- A Yes.
 - Ω January, '72, is that right?
 - A That's right.
- Q Prior to that time you had a conversation with Pannirello, is that right?
 - A That's right.
 - Q When you were talking about a dry spell

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with Pannirello?

A If there wasn't any panic it would have been a week to 10 days later.

Q Let me ask you the next time when you dealt with Pannirello.

- A Would have been a week to 10 days later.
- O Was it?
- A Yes.
- ? And what month do you place that at now?
- A Some time in July, the 1st of August, somewhere in that area.
 - Q July-August of 1971? July-August of 1971?
 - A Right.

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- Q -You are dealing directly with Pannirello?
- A Yes sir.
- Q Correct? And when do you say the first occasion was that you dealt directly with Pannirello?
 - A Some time in July.
 - Q July?
 - A Correct.
- Q And some time in July or August you had your second transaction with Pannirello?
 - A That's right.
 - Q And how much narcotics did he give you at that

time?

three quarters.

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At that time he was always giving a half to

Q Do you have any recollection on the second occasion whether it was a half or whether it was threequarters?

A No, I don't, but I think it would have been a half at that time.

Q When was the third occasion that Pannirello sold you narcotics directly?

A He always called a week or ten days or two weeks --· weeks -weeks --

O I asked if you recall. _ action at you recent.

.That is the only proper answer I could possibly give you, because if there wasn't a panic it was never over two weeks. A week to ten days, mostly.

Q -- Was there a panic in July or August or September of 1971?

I can't remember whether there was.

You can't remember that?

No, I can't.

So the next time, the third occasion that you dealt with Pannirello, could have been some time in August or September, is that correct?

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1	gra Dawson-cross 2799
2	Λ That's right.
8	Q Half a ki?
4	A It might have been going up at that time.
5	He gave me as long as Georgie was home, he gave me half
6	to three-quarters.
7	MR. ROSEMBERG: Your Honor, I ask that that
8	be stricken, if your Monor please. I ask that he re-
9	spond strictly to my question.
10	MR. FORTUIN: He was responding, your Monor.
11	THE COURT: I think he was.
12	Mr. Reporter, come up here.
. 18	(Record read to the court atothe benche out cour
. 14	of the hearing of the jury.)
15	-THE COURT: I will let the answer stand.
16	BY MR. ROSENBERG:
17	Q Do you recall when the third transaction
18	directly with Pannirello was? Yes or no.
19	A I recall. I can't give you a specific time.
20	Q Was it some time in September or October,
21	would you think?
22	A It would have been some time in September.
23	O That would be the third transaction, correct?

can't swear to the specific month. I can give you

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I can't swear to the third transaction. I

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approximate time of the year. I can't --

Q That is what I am looking for, an approximate month. September or October, is that right, on the third transaction?

A I would say September.

O September? And how about the fourth transaction directly with Pannirello?

A I don't understand how to respond to a question like that. I can only give you an answer the way that it normally went. That's the only truthful answer that I can give you.

Q I know you are making an effort to be truthful, sir, and I appreciate it. I am trying to have
you tell us the best of what you recall.

You told us you had about six or eight transactions with Pannirello from 1971 to 1972, is that right?

A That's right.

Q And I believe on the first three occasions you place it July, August, September and October, the first three --

A No, I wouldn't have stretched it that far.

Q All right. July, August and September, the first three transactions directly with Pannirello, right?

A I can't say the specific time for those transactions. All I can give you is the transaction theirselves and hope we can come up with some approximate time. I can't give you any --

Q That's what I want, an approximate time.

The first transaction you approximated in July, is that right?

A Yes, sir.

Q The second transaction you approximated in August, approximately?

A I didn't - I can't say that it was in August.

I'd say that it was a week to ten days following the can the first time, if there wasn't no panic and that's the --

Q The first time you know was July?

A I can't swear to July.

Q Well, what I am curious about, sir, is that when you talk about Georgie, you give us a day, you give us a month and you give us a year. When you talk about Pannirelly you can't tell us the month, am I correct?

A I don't think that I have given you a date as far as Georgie is concerned, I give you an approximate time.

O Did you tell us yesterday on a transaction

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with a Georgie it happened on a Friday or a Saturday on a month in 1971? Did you tell us that yesterday?

I knew that.

MR. FORTUIN: I object, your Honor. That is argumentative.

You did?

A Yes.

And that you recall, right? THE COURT: All right.

That you recall when you are talking about Georgie, right?

I can remember that it was a Friday or Saturday because --· cause --

Never mind why you can remember, but that you do recall, is that right?

MR. FORTUIN: I object, your Honor. lle is giving an answer. I don't think he should be interrupted.

THE COURT: I agree.

But when you are talking about Pannirello, Q sir, you can't even give us a month, is that correct?

I can give you an approximate month.

All right. That is what I am looking for. The first and second transaction, approxi-

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mately July and August of 1971, correct?

A Sir, I can't say July and August because if it happened in the middle of August and I met him the next time in ten days that wouldn't throw me into next month, so I can't give it to you like that.

In other words, once we start with Pannirello it is simple, we go ten days thereafter on each transaction; is that the way it works, providing there is no panic? Is that the way it is formulated in your mind?

A That's correct.

you know the month and you know the year, and correct?

A I could not possibly say yes to that question.

Q All right.

A I can explain it. That would be the best that I could do.

O No. That you do with the government.

Sir, let me ask you this: You stated
there was about six or eight transactions. How many
transactions do you recall having in 1972 with Pannirello?

A In 1972?

O Yes.

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1	gta Dawson-cross 2804
2	Q Yes.
3	A Two transactions.
4	Q Two?
5	A Yes
6	Q Both in January?
7	No, sir.
8	Q When was the first one?
9	A Some time in January and the next would have
10	been some time in March or April.
11	Q . How much did you purchase in January?
12	A Either three-quarters of a kilo or a kilo.
. 13	You are not certain? You are not certain?
<u>.</u> 14	A A A No No, sir, I am not. no, sir, I am not.
15	Q How much did you purchase in March?
16	A It was a very large sum. It was much more.
17	I would say two, two and a half kilos at that time.
18	Q Two, two and a half kilos?
19	A March or April, whenever it was. It was
20	the last time.
21	Q And the first three transactions with Pannirello
22	in '71 was a half a kilo each time?
23	- A A half a kilo to three-quarters.
24	Q And did you have any other transactions with
25	Pannirello in 1971?
	Tumiliello In 1971.

1	gta Dawson-cross 2805	
2	A Yes, sir.	
3	Q When? When?	
4	A It would have been some time in October or	
5	November. Up till the latter part of October, anyway.	
6	Q Up until the latter part of October?	•
7	-A Yes.	
8	Q So July, August, September, October, 1971 you	
9	were dealing directly with Pannirello, correct?	
10	A That's right.	
11	Q And you had how many transactions during	
12	that period of time , would you approximate, from July till	
13	the end of October?e end or October?e end or	٠.
14	A There were many transactions; but speaking of	:
15	myself personally	
16	Q That's what I am talking about, you.	
17	A Are you asking from July until what time?	
18	THE COURT: Till October.	
19	O Till the end of October.	
20	MR. ROSENBERG: Thank you, Judge.	
21	A From July to October?	
22	Q Yes.	
23	-A Personally, myself, four or five times.	
24	Q And did you have any more from October till the	
25	end of the year?	

You remember you told us you straightened out You took out \$2200 from a bank or something like

- A Yes, that's right.
- Is that correct? Q
- A Yes.

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You weren't in the narcotic business at that time, were you?

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trouble, is that correct? He needed money, you wanted

to avoid a problem, you went as a friend to a bank and

you took out money and you gave it to Gregorio, not

for a narcotic transaction, but to help out a friend,

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am I correct?

A Well, I knew that I wanted my money back.

Q I understand that, sir. But I am saying at the time you went to the bank to give Gregorio, you were not then in the narcotic business, you were helping a friend out, am I correct?

A That's incorrect.

Q That is incorrect?

A Yes, sir.

Q Had you made a narcotics sale prior to Febru-

A I was in -- it was a form of slarceny. was a form

.Q Did you make a narcotic sale before that date?

A No. I knew narcotics was being sold.

Q . By whom?

A Everyone that I associated around there with closely were in narcotics.

O I am talking about you?

A Did I make a sale?

Q You. Did you make a sale?

A No.

-Q Did you make a buy?

A No.

Ω All right. So you were helping out a friend

You then go back to New York with somebody .

MR. ROSEMBERG: Withdrawn.

else you said and you met Gregorio, is that correct?

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I am asking a simple question. February 20th

you an interpretation.

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you told us you were not involved in narcotics by sale or by buy, correct?

That's right.

During the interval week you were not in-0 volved in narcotics by sale or by buy, correct?

That's right.

All right. Then you tell us that at that meeting 16 ounces of heroin was turned over to an associate of yours, correct?

A At that meeting 16 ounces was turned over to -it was turned over to me, because I had to be responsible for it.

- And is that when you became involved in narcotics? Q
- A Yes.
- Q For the first time?
- A Yes.
- Q Is that right?
- A That's right.

And you had an understanding at that time with your associates that you are now in the narcotic business, is that right?

That should have been the understanding, if A it wasn't.

At the time you went up there and you took

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narcotic business, is that right?

A That's right.

Q At that meeting, at that time that you got 16 ounces, I think that you told us that you met a Georgie, correct?

narcotics, that was the first time you entered into the

A That's right.

But on that particular occasion, when there was a few people present, it wasn't Georgie who handed you the l6 ounces of narcotics, it was Paul Gregorio, am I correct?

Ne are going back to the initial meeting with Georgie? That's right, Paul Gregorio.

Q And at the time Paul Gregorio handed you the narcotics, Georgie was not present, am I correct?

A No, he was not.

Ω Okav.

How many occasions after that do you say that you met Georgie from that time on?

A Three or four times.

O Three or four times after that occasion, correct?

A That's right.

Q One time when you say he came down to Washing-

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That would be about the third time, correct?

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- A That's right.
- Nobody but you and he were present?
- A That's right.
- Q And a fourth time some time in October before he went away, when he saw you again?

A If you consider that as the fourth time, then it would have had to have been five or six times.

- Ω All right. Did you have a narcotic transaction according to your testimony in October?
 - A When he got ready to go away?
 - Q Yes.
 - A Yes, sir.
- Q Don't you consider that the fourth time you saw him?
- A It would have been more than four. Since you started counting, I can remember more than four.
 - Q You can remember more, right?
 - A Yes.
- Q But on that occasion, again, just you and he were present, is that right?
- A No, sir. He had Harry and John and some other fellow that I can't remember.
- O That was the only occasion that somebody else was present, right?

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A lio, that's not the only occasion when someone else was present.

Q When Ann called you -- that was Gregorio's girlfriend?

- A That's right.
- Ω -- she said, "Come up," what month was that?

A It should have been somewhere in the latter part of June.

- Q The latter part of June?
- A Yes, sir.
- Q Was it before that time that you had a conversation with Georgie and he invited you to the country?
 - A . No, it was after that.
 - Q It was after? How much after?

A I can't remember how much after because this really didn't stand out in my mind as far as going up there. It would have been -- I would say it would have been some time before the end of July, anyway.

Q When you went to see Ann you say she made a few telephone calls and she said something that "We are going to meet Georgie," is that right?

- A That's right.
- Q You were dealing with Gregorio?
- A Yes, sir.

1	gta	Dawson-cross 2816
2	Q	
3		Madyou been to Gregorio's apartment?
	A	No, sir.
1	Q	And do you
5	A	He showed me where he lived at one time, but
6	I never vi	sited.
7	Q	That wasn't the same apartment that Ann was in,
8	is that ri	ght?
9	λ	No, sir.
10	Ω	And when Ann called had you met Ann before?
11	A	Yes, sir.
12	. 0	On how many occasions?
.13	λ	Well, I'd say three or four occasions.
14	Ω	And is that all in the presence of Gregorio?
15	A	Yes, sir.
16	. Q	Was that in Ann's apartment?
17	A	No, sir.
18	Ω	Gregorio's apartment?
19	А	No, sir.
20	Ω	Some place away from the apartment, correct?
21	A	Yes, in Washington.
22	. O	So that when Ann called you you went to her
23	apartment,	is that right?
24	Λ	That's right.
25	n	Incidentally, what is Ann's last name?

1	gta Dawson-cross 2817
2	A I can't remember her last name.
3	Q And where is her apartment?
4	A It's somewhere in Mt. Vernon.
5	? Somewhere in Mt. Vernon?
6	A Yes, sir.
7	Ω Well, you went there, didn't you?
8	A Right.
9	Ω How did you get there?
10	A I came off the exit at 233rd Street and called
11	her and she told me where it was, to go to White Plains.
12	I have forgotten. I've tried to find it since then.
13	Ω You tried to find it since then?
14	A Yes.
15	Q Is that because the agents asked you to take
16	a look up there?
17	A No, they did not.
18	Q That was something you wanted to do on your own?
19	A Yes.
20	Q You wanted to see Ann again?
21	A Yes.
22	O Socially?
23	Δ Yes.
24	O You were to her apartment, is that right?
25	λ Yes, sir.

1	gta	Dawson-cross 2813
2	Q	That was the first time you were there?
3	A	That's right, sir.
4	Q	What kind of a house was it, an apartment
5	house?	
6	A	Yes, sir.
7	· Q	And what was the apartment number, do you
8	recall?	
9	, A	I don't have any idea.
10	Q	Did you take an elevator to get there?
11	A	It might have been an elevator in the build-
12	ing, but I	didn't take an elevator, no.
13	Ú	But you didn't take one?
14	A	No, sir.
15	Q	
16		Did you walk up a flight of steps?
17	A	Yes, sir.
18	Q	Was it one flight?
	λ	She lived on the third floor, I think.
19	Q	And that was the first and only time you
20	went there	
21	Α	That's right, sir.
22	Q	And how many rooms did she have in her apart-
23	ment?"	
24	. λ	I don't have any idea.
25	Q	Well, you were there. How long were you

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present?

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A Two to three hours.

5

Q Can you describe the apartment to us? Were you sitting in the living room, kitchen or bedroom or what?

6

A I was sitting in the -- I guess people now would have called it a den. It was like a hall, like a hall room, like, I guess.

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Q How many rooms were in that apartment? Was there a living room?

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A Yes, sir.

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O Was there a hedroom?

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A I imagine there was.

15

Q In other words, you weren't in her bedroom?

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A No, sir.

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Ω You told us before that you wanted to see
Ann socially. Is that what you told us?

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Yes, sir.

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Ω And that's why you went looking for her, but you never did date her, is that right?

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MR. FORTUIN: I object to that. I don't see the relevance, your Honor.

23

THE COURT: I will permit it.

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Q Is that right?

1	gta Dawson-cross 2820
2	A Did I ever date Ann?
3	Ω Yes.
4	A Yes, I did.
5	Q On how many occasions?
6	MR. FORTUIN: I object to this.
7	MR. ROSENBERG: I will withdraw that gues-
8	tion.
9	THE COURT: All right.
10	Ω Did you date her while she was going with Paul
11	Gregorio?
12	MR. FORTUIN: Objection.
13	THE COURT: I don't know where it is
14	going.
15	MR. ROSENBERG: I will stop at that. Can
16	I have an answer?
17	THE COURT: All right. Yes, you can have
18	an answer to the question
19	Q Did you?
20	A In the technical sense that Paul was in jail,
21	yes.
22	Q When did Paul go to jail?
23	A Well, I would consider that shd was still his
24	girl. Yes, I would say
25	Q When did Paul go to jail?

	1 gta Dawson-cross 2821
	A In June of in June of '71, I think.
	Are you certain of the date?
	A No, I'm not certain of the date.
	So that at the time you had a date with Ann
	was after June of '71?
	A That's right.
9	And when you say that Ann brought you to
10	Georgie, it was justyou and Georgie who allegedly had a
11	transaction at that time, is that right?
12	Ann was there.
13	But you told us before Ann walked out.
14	A She walked back to the car.
15	Q Yes. And you were socializing with Ann at
16	that time, am I correct?
17	
18	at least was a date, am I right?
19	business as far as we were concerned.
20	But you went with Ann. You went
21	with Ann and then after that you went to neet Georgie, is that correct?
22	A That's correct.
23	Q And then Ann didn't listen to your conversa-
24	tion, right? She didn't listen to your conversation,
5	did she?

prior to November, '71?

And did you tell him about your transactions

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you were cooperating fully with Mr. Logan, am I correct?

Sir, I wasn't cooperating fully. Otherwise

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I would never have dealt in narcotics again.

Q I know. But you were cooperating to the extent that you were telling about transactions that you had, is that right?

A I was talking to him, yes.

Q Because you didn't tell him you were going to go out of the business, but you were telling him about transactions that you had had about Harry Pannirello, with Georgie, an I correct?

A That's right.

Q With Paul Gregorio?

A That's right.

Ω This is November of '71, am I correct?

A Yes.

Q You weren't holding back any information at that time?

A No, I wasn't holding back any information at that time.

Q No. You were right there. You were sorry for what you had done, you needed a little help and yourself, am I correct?

A I didn't have any charge, so I couldn't have been trying to help myself. I didn't have any charge of any kind.

Yes. And you were telling him what was happening, right, who you were dealing with, correct? You told him about Cregorio, about Georgie, about Pannirello, am I right?

A I would say that: I was talking to the agent, but I wasn't cooperating fully.

Ω What did you hold back from the agent at that time?

A I can't remember what I held back from the agent.

Q Can I assume, also, that you don't know whether or not you did hold anything back?

A If I was dealing in narcotics at that time it would tell me if I didn't hold back something the agent would arrest me.

O Give me that again. I didn't hear it.

A I said if I hadn't held back something it would probably must have been -- it would have been grounds for the agent to have arrest me, so evidently I wasn't cooperating fully.

O In other words, what you were doing, you were telling him what you knew other people were doing because you didn't want him to arrest you?

I think that the agent would have had to

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have a reason to arrest me. He can't just arrest me for thinking of what I'd done, and at that time he didn't have any reason to.

O I see. When for the first time would be have had a reason to arrest you?

THE COURT: I am not sure I understand that question, counsel.

Ω By your own conversations with any of the agents, when for the first time did you admit that you were dealing in narcotics, you?

A I really don't know how to answer that question, because I think that the agent knew that I was dealing in narcotics all the time but he just can't prove it.

Q Well, you don't know whether he could prove it or not, is that right? But when was the first time that you admitted to the agent that you were dealing in narcotics?

A I think it would have been for sure in November.

Q Of '71?

A Yes.

O And that's Agent Logan, when you had a conversation with him, is that right?

A Yes.

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9 By that time you made an admission on your-self, so most assuredly you made an admission with respect to a Georgie and with respect to other people that you were dealing with, am I correct?

A That's right.

Q That is correct.

In November of '71 did you tell the Agent Logan that Gregorio told you that he, Gregorio, was dealing with a Georgie? Did you tell that to the agent?

A I can't remember at what time I would have told the agent that.

O Let me see if I can refresh your recollection.

3573 for identification. I ask you to read the underlined here.

Can you read this? Can you read that?

- A About Georgie was --
- Q Just a moment.

And you told the agent -- incidentally,

does that refresh your recollection as to your conversation
with Agent Logan in November of '71? Yes or no.

Does it refresh your recollection to what you said
about Gregorio and Georgie? Does it?

A It wouldn't -- it refreshes my memory that I told him about them, but --

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All right, very good. Please, no speeches. just give me a yes or a no wherever possible.

MR. FORTUIN: Your Monor, he was answering the question. I think he should be allowed to finish his answer.

THE COURT: No, I will permit this.

And did you tell Agent Logan that "Gregorio 0 told me that there was a Georgie that he had to account to"? Did you tell that to the agent, that Gregorio told it to vou? Yes or no.

Yes. A

All right.

MR. ROSEMBERG: Your Honor, I want to develop this point, but I would like a break at this time, if the court feels up to it.

THE COURT: Ladies and gentlemen, if you would, please, go out with the marshals.

(The jury left the courtroom.)

THE COURT: Mr. Dawson, would you go to back to the witness room.

(The witness left the courtroom.)

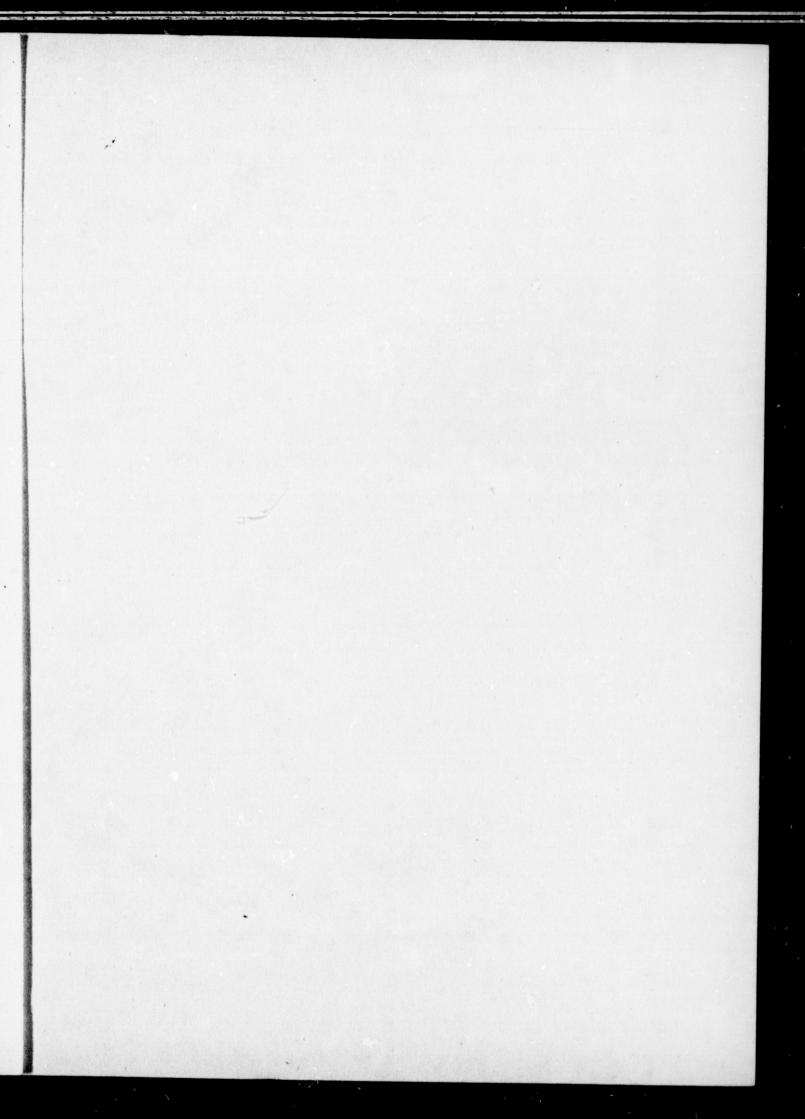
1	hpl Dawson-cross
2	(In open court; jury present.)
3	MR. POSENBERG: May I proceed, your Honor?
4	THE COURT: Sure.
5	BY MR. ROSENBERG:
6	Q So in November, 1971, when you told Agent Logan
7	about all the people that you were dealing with, and you
8	were cooperating fully at that time
9	MR. FORTUIN: Objection. That misstates his
10	testimony.
11	MR. ROSENBERG: All right. Withdrawn.
12	Q You were cooperating at that time, is that correct
13	you did give him information at that time, is that right?
. 14	Λ I gave information, yes.
15	Q And you told him in November of 1971 that Gregoric
16	told you that he was dealing with a Georgie, correct?
17	A If it took place in November, yes, sir.
18	Q Does this say November 14
19	A I can't swear
20	Q Does this say November 14, 1971?
21	A It says November 14, 1971.
22	Q Good. Did you tell the agent at that time
23	that Gregorio told you that he was dealing with a Georgie?
24	A I don't know whether it was at that time. That's
25.	the time that was on the paper.

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SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE FOLEY SQUARE, NEW YORK, 11.Y. CO 7-4580

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	Dumson-Closs
2	THE COURT: Let him answer the question that came
3	before.
4	Read it back to him, would you, please, Mr.
5	Reporter.
6	(Record read.)
7	THE COURT: All right, Mr. Dawson. Finish
8	your answer.
9	A .I can't swear what time it was, the date or the
10	month. I can swear that I told the agent. I can't swear
11	when.
12	Ω You do recall telling him, though, don't you
13	A I mecall telling him.
14	Q that Gregorio told you he was dealing with a
15	Georgie? You recall that, is that correct?
16	A That's right.
17	Q And you recall telling that to Agent Logan,
18	correct?
19	A That's right.
20	Q On that occasion, wherever it may have been,
21	whatever date it might have been, did you tell him, "I know
22	Georgie"?
3	A Yes, I did.
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	shot Paul Gregorio"? On that occasion I am talking about.



I just want a yes or no.

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A I wouldn't have been able to tell him that I know that Georgie shot Gregorio. I would have been able to tell him that I was told that.

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Q That is what I am talking about.

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A Yes, sir.

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Q Did you tell him on that same occasion?

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A I can't swear when. I know that I told him

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that. I can't swear at what time or when I told him.

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Q But you do recall telling him that Gregorio told you that he deals with a Georgie, you recall that happened

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some time in 1971?

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A Yes, sir.

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O This is what I want you to confine yourself to.

At the time that you told that to him he then wrote a report,

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correct?

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A I don't know when he wrote the report.

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Q But at the time you told it to him, did you tell him then that, "I know Georgie"?

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A Yes, sir.

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Q Did you tell him that, "I dealt with Georgie on that occasion, I had five transactions with him"? Did you tell it to him on that occasion?

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A I talked to him about Georgie or the whole --

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everyone that I was involved with, but I can't remember what I told him at any specific time.

Q I want you to read everything in 3573 marked for identification. This is the report of an interview of November 14, 1971, that you had with Agent Logan. Read the whole thing.

MR. FORTUIN: For the record, it's a report prepared by Agent Logan, not by this witness.

MR. ROSENBERG: Correct, it is. While we have that stipulation, we also have that it was November 14, 1973.

MR. FORTUIN: That the report was prepared by Agent Logan on November 14, 1971.

THE COURT: 1971.

MR. ROSENBERG: 1971, an interview with this witness, correct?

MR. FORTUIN: That is when he wrote the report.
MR. ROSENBERG: Right.

Q Read it, read the whole thing.

Have you finished it?

A Yes.

Q According to your interview with Mr. Logan of November, '71, does this report reflect the fact that you told Logan, "I had five narcotic transactions with Georgie"?

2	MR. FORTUIN: I object to it, your Honor. The
3	exhibit is not in evidence. He is asking for testimony
. 4	about an exhibit that is not in evidence.
5	MR.ROSENBERG: Your Honor, I am attempting to
6	refresh his recollection.
7	THE COURT: I will permit it.
8	MR. ROSENBERG: Thank you, sir.
9	Q Does it, sir?
10	A Would you restate that question?
11	MR. ROSENBERG: Will you help us out, Mr.
12	Reporter.
13	THE COURT: Mr. Reporter, read the question.
14	(Question read.)
15	Q Yes or no.
16	A No, it doesn't.
17	Q Does that report reflect the fact that you were
18	driving around in Harlem with a Georgie?
19	MR. FORTUIN: I object to it. Again, he is
20	asking for testimony about a document that is not in
21	evidence. He can ask him if he remembers or if it refresh-
22	es his recollection.
23	THE COURT: All right. Why don't you rephrase
24	it.
25	Q Did you tell him on that occasion that you

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didn't do. .

drove around in Harlem and made pickups and picked up narcotics with a Georgie?

- A To my memory, I did. It's not in the report.
- Q Are you telling this jury that you told Logan about a transaction with a Georgie involving narcotics and the agent, a United States agent dealing with narcotics MR.FORTUIN: I object to what the agent did or
- Q -- didn't put it in his report? Is that what you are telling us?

THE COURT: Sustained.

- Ω According to your recollection, when do you say you made that statement to Agent Logan?
- A To my recollection, I can't give you any time.

 To my recollection, I told him everything that I could

 remember at the time concerning the parties in this case.
- Q Did you tell Agent Logan on that occasion that Georgie introduced you to Harry Pannirello? Did you tell it to him on that occasion?
 - A I have told him. I can't recall when.
- Q It doesn't reflect it in the report, though, does it?
- MR. FORTUIN: Objection to what the report reflects.

1	hp8	Dawson-cross
2		THE COURT: I will sustain it.
3	Ó	How many occasions did you speak to Agent Logan?
. 4	A	I would guess approximately five, six times
5	maybe.	
6	Q	Five or six times, and each time you told him
7	about narc	cotics and narcotic transactions, is that correct?
. 8		first time I mean.
. 9	Α .	Yes, sir.
10	. Ω	Do you remember the months that you spoke to
11	him?	
12	A	No, I don't.
13	Q	But you remember months of transactions dealing
14	with a Geo	rgie, is that right?
15	А	I can give you an approximate time that I spoke
16	to Mr. Log	an.
17	Q	Good. Give me an approximate time that you
18	spoke to	gent Logan after November of '71.
19	λ	After November?
20	Q	Yes.
21	A	Some time in January.
22	. ο	And when after that?
23	A	This would have been in 1972.
24	. Ω	Yes? And when after that?
25	λ	I spoke to Agent Logan on several occasions up

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until the arrest and after, up until now.

- Q And each time you spoke to him he took notes?
- A I would say that he took notes, not in the sense of pencil and paper.
- Q At any rate, the purpose of his interview with you on each occasion was to gather information with respect to narcotic transactions, am I correct?

MR. FORTUIN: Objection as to what Logan's purpose was.

- You weren't socializing, were you?
 THE COURT: I will let that one stand.
 MR. ROSENBERG: Thank you, Judge.
- Q Isn't that correct? Everytime you met him you discussed narcotic transactions, is that right?
 - A That's right.
- Q So on November of '71 we know at least that that report doesn't reflect the fact that you said to him that you dealt with Georgie, am I correct?

MR. FORTUIN: Objection.

THE COURT: Sustained.

MR. ROSENBERG: Your Honor, you permitted that question. You stopped me after that.

THE COURT: Yes, but why do we go on with it?
MR. ROSENBERG: All right.

the

. 1	hp10 Dawson-cross 2009
2	Q I show you three other government exhibits,
3	3570 for identification, 3571, 3572. Allthese reports,
4	sir, are interviews with you. Will you kindly read all
5	three reports.
6	You read them all?
7	A Yes.
8	Q Does anyone of those reports reflect
9	.MR. FORTUIN: I object to any question about th
10	contents of the reports.
11	THE COURT: Let me hear the question.
12	Q Does any one of those reports reflect the fact
13	that you told Logan that you dealt with Georgie, any one
14	of these four reports?
15	MR. FORTUIN: Objection.
16	

THE COURT: No, I will permit it. Go ahead.

Q Does it, sir?

No, they don't. A

It doesn't? Q

No.

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And those were all the interviews that you had with Logan, am I correct?

That's untrue.

O Is there another interview that you had with Logan with respect to narcotics?

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hp11

Dawson-cross

I didn't have anything to do with the papers. A I don't know how many reports he made or what he did.

Is there something else that you told Logan that is not reflected in any one of these reports?

> Λ Yes.

MR. ROSENBERG: I ask the government to produce that report, if your Honor please.

MR. FORTUIN: We object to the request in front of the jury.

THE COURT: There is no report and you are not supposed to ask at this point. You got the 3500 material.

MR. POSENBERG: May I have a stipulation that that is all the 3500 material with respect to Logan and this witness.

> MR. FORTUIN: I object again to any stipulation --THE COURT: You are asking for a stipulation.

MR. ROSENBERG: All right. I will ask it at the bar then. May I approach the bar then?

THE COURT: Sure.

MR. ROSENBERG: Come on.

THE COURT: The bench.

MR. ROSENBERG: I am sorry, your Honor. I must have been thinking of something else.

(At the side bar.)

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MR. ROSENBERG: If your Honor please, this witnes under oath has indicated or perhaps alluded to the fact that there was another interview with Agent Logan which is not reflected in the 3500 material as given to me by the government, if this witness is to be believed.

Under those circumstances, I ask that report either be produced or I get a stipulation from the government that I have all the 3500 material, in front of the jury, that I have all the 3500 material of the interviews between this witness and Agent Logan.

MR. PHILLIPS: We turned over all the 3500 material, your Honor.

MR. ROSENDERG: Can I tell it to the jury?

Let's have a stipulation in evidence in front of this jury that all his interviews with Agent Logan were reduced to these writings.

THE COURT: No, you can'thave that stipulation.

That infers something more than I am sure the government would be willing to stipulate to.

You want to try it again?

MR. ROSENBERG: I don't know what point I am missing here, Judge. This witness has indicated that there is something else that he told Agent Logan.

THE COURT: Yes.

Dawson-cross

MR. ROSENBERG: That is not reflected in any of these reports. If the government says there are no other reports, then I want a stipulation in front of the jury that I have all the interview reports between Logan and this witness.

THE COURT: Does he?

MR. PHILLIPS: Yes, he does. This 3500 material is not something that should be taken up in front of the jury. If Mr. Rosenberg wants to call Agent Logan, we will produce him as a witness to testify as a defense witness as to whether or not any other reports exist or he had any other interviews, so as to impeach this witness.

MR. ROSENBERG: I will accept your representation that there is no other 3500 material. All I want is a stipulation in front of this jury. He is indicating or has created an inference --

MR. PHILLIPS: No, because that is improper impeachment. There is no foundation for it.

If Agent Logan had other interviews with this witness and didn't make reports of them, that is a different matter. That is a matter that only Agent Logan can shed light upon and Agent Logan can be called as a defense witness.

MR. ROSENBERG: Oh, no. Let's at least establish

then as an agreement between us that I can put into evidence the stipulation that presently I have all the 3500 material.

MR. PHILLIPS: You have heard my response to that,
Mr. Rosenberg.

MR.ROSENBERG: I ask the Court to rule. I think
I am entitled to it, your Honor.

This will impeach this witness's credibility.

I assert that this perhaps can be a recent fabrication with respect to this witness. In other words, he is asserting that he told Agent Logan about incidents which are not reflected. Specifically, he told Agent Logan that he knew Georgie, that he dealt with Georgie, that he was up in Harlem with Georgie, and it is not reflected any place.

I think that the jury is entitled to have that.

MR. PHILLIPS: Not through this witness.

THE COURT: I don't think so.

MR.ROSENBERG: Exception, your Honor.

THE COURT: Yes.

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(In open court.)

BY MR. POSENBERG:

Q Let me understand you correctly, sir. I think you told us that there were other things that you told Agent Logan which is not reflected in the 3500 material, am I correct?

A . That's right.

Q And specifically, that is the fact that you dealt with Georgie on five narcotic transactions, correct?

A I can't say how many times I told him.

Q Yes. But that is something you told Agent Logan which is not reflected in this 3500 material?

MR. FORTUIN: I object whether or not it is reflected. If Mr. Rosenberg wants to offer these exhibits, the government has no objection.

MR. ROSENBERG: I offer them.

MR. FORTUIN: We have no objection.

MR. LEIGHTON: May we have a side bar on that offer, please?

THE COURT: All right.

(At the side bar.)

MR. ROSENBERG: Your Honor, we are in an area now where I am constrained to offer the 3500 material based upon --

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THE COURT: They don't object. I just want to hear what Mr. Leighton has to say.

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MR. LEIGHTON: Your Honor, I must put on the record that I most strenuously object, because I think my client is named on every sheet at least 10 to 15 times and I would strenuously object. I think it is not the best

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evidence.

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There is matter in there that has not been testified to, definitely prejudice to my client, and if the Court is inclined to so accept the exhibits in evidence,

THE COURT: I will think about it.

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I would ask for a severance.

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(In open court.)

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BY MR. ROSENBERG:

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Q Besides the four interviews with Agent Logan, the four or five interviews with Agent Logan, how many other people did you discuss this particular case with?

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THE COURT: You are talking about government officials, right?

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MR. ROSENBERG: Yes, your Honor.

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A The New York agents and the prosecutors here.

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Q On each of those occasions on which you discussed with Agent Logan narcotic transactions, how much time would

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you estimate that you discussed it with him in point of

1	tp4	Dawson-cross
2		A Mr. Nolan and
3		Q John R?
4		A I think Mr. P is Mr. Logan's boss. I'm not sure.
5		Q All right. But were they separate interviews?
6		A I've never technically been interviewed by Mr.
7	John R	
8		You was not?
9		No, sir. He was there at times.
10		All right. So there was Logan.
11		How about Nolan?
12	1	Yes.
13	(And how many hours would you say in total that
14	you dis	cussed your testimony with Nolan?
15	4	Maybe six or eight hours total.
16	Ç	And Fred Moore?
17	7	Approximately the same, I would say.
18	Q	So that is approximately 30 and maybe six or
19	eight o	n two other occasions, another 15, approximately 35
20		ith agents, is that correct?
21	А	Or more.
22	Q	Or more?
23	A	Yes.
24	. Q	Or more?
25	λ	Yes.

- 1 2 3 5 6 7 9 10 11 12 13 14 15 16 17 18
- Q Any other agents that you haven't mentioned that you discussed it with?
 - A No, sir.
- Q So it may be at least 35 hours and possibly how many hours would you say, 50 hours as a maximum, that you discussed your testimony with agents?
 - A I've spent that much time with agents.
- Q Would you say it might have been at least 50 hours and it could have been more, just with agents alone?
- A I'm not going to try to guess on that, because it's too hard to try to guess on the amount of time.

I've been -- I've been in their presence, I would say that much. As far as questions is concerned, I couldn't swear to that.

- Q All right. But as a reasonable approximation,
 50 hours, then, with agents alone? Is that a reasonable
 approximation, give or take a few hours?
 - A I wouldn't say it was that much, no.
 - Q 40 hours, give or take a few hours?
- A It's too -- it's too hard to try to distinguish hours when there is so much idle time. I liable have been in the building for two hours and talk for fifteen minutes. I can't say.
 - Q All right. I understand.

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On how many separate occasions were you interviewed by agents alone? Half a dozen?

We know you were interviewed by Logan alone about four or five times, is that correct?

A Yes.

Q And you were interviewed by several other agents, is that correct?

A That's right.

Q So on how many separate occasions would you say you spoke to agents alone? Eight or nine separate occasions?

A That I spoke to agents alone?

Q Yes, before you spoke to anybody in the government, I mean the U.S. Attorney's office.

THE COURT: Let me see if I can make sure the witness understands this.

Mr. Dawson, the question is not that you were alone and the agent was alone at the time, but that there were other agents there and not members of the United States Attorney's office. That is what the question basically is.

MR. ROSENBERG: Thank you, Judge.

THE COURT: How many times did you talk to the agents when there were other agents there and not members of the U.S. Attorney's staff?

THE WITNESS: I would imagine eight or nine

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Was Mr. Phillips present at any one of those five or six times?

No. He came in and out of the room at times.

2	Q And how long did these interviews last when you
3	were actually discussing the case? Several hours at a time?
4	A An hour and a half, two hours.
5	Q Two hours where you discussed actual testimony
6	on each case, is that correct?
7	A What do you mean by actual testimony?
8	Q What was going to be asked by me, what they
9	were going to ask you?
10	A No.
11	Q What they were going to ask you on direct examina
12	tion, is that correct?
13	A We discussed that, yes. I can't
14	Q Right. On six separate occasions lasting
15	between an hour and a half and two hours, is that right?
16	λ Yes.
17	Q I think that you had told us at the beginning
18	you were a third offender in Washington, you were convicted
19	three times for felonies?
20	A Yes, sir.
21	Q And what happens if you get convicted with respec
22	to time on a fourth felony, how much time will you get, do
23	you know?
24	λ I don't have any idea.
25	Q You have no idea?

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- A No, sir.
- Q But in Washington, they keep on doubling up your time or they keep adding time on felonies, am I correct, if you know?
 - A No, sir, not necessarily.
 - Q Not necessarily.

Did you ever learn from anybody how much time you would have gotten if you were convicted of narcotic transactions in Washington?

- A No, sir.
- Q You never learned from anybody?
- A No, sir.
- Q You never asked, right?
- A No, sir.
- Q Wasn't concerned? It wasn't important?

 With respect to this case, you got indicted and you pled to one count, is that correct?
 - A That's right, sir.
- Q And how many counts were in the indictment as it affected you, do you know?
 - A I don't have any idea.
- Ω Do you know how much time you were facing on this indictment?
 - A When I pleaded guilty, that's when I was told.

1	tplO	Dawson-cross 2
2	. Ω	You pled guilty to one count?
3	A	Yes, sir.
4	. Q	Do you know how much time you were facing before
5	you coop	perated and pled guilty?
6	Α.	No, sir.
7	Q	You had no idea?
8	A	No, sir.
9 ·	. 0	Who was your lawyer?
10	A	My lawyer told me something to that effect. Yes,
11	I think	he did, yes.
12	Q.	What did he tell you? How much time were you
13	facing?	60 years, 20 years, 10 years? What time were you
14	facing?	
15	A	I can't remember what my lawyer said, but at the
16	time I p	leaded guilty they told me then.
17	Q	Who was your lawyer?
18	λ	Mr. Sullivan.
19	Q	Who?
20	Α	Sullivan.
21	Q	Was he appointed?
22	A	Yes, sir.

Q

You could not?

Yes, sir.

"Couldn't afford to pay a lawyer?

FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580

this matter was on before his Honor?

Dawson-cross

	A You mean since the trial is started?
3	Ω No, before the trial. There were certain
4	pretrial motions. Were you in the building at any time
5	that this case was on before you took the witness stand,
6	if you remember?
7	A I don't really understand the question.
8	Q All right. I will withdraw it.
9	Did you ever see Butch Pugliese and someone else
10	in this building before you took the witness stand?
11	A No, I haven't.
. 12	Q Never?
13	Λ No, sir.
14	O You are certain of that?
15	A Yes, sir.
16	Q And nobody pointed out Butch Pugliese to you, is
17	that right?
18	A No, sir.
19	Ω The person that you say that you knew as Georgie,
20	the last time you saw him was in 1971, is that right?
21	A That's right.
22	O He did not have a beard, is that correct?
23	Λ That's right.
24	Ω And now in 1974 you got up on the stand and he had
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Dawson-cross

a	beard and	you	pointed	him	out,	is	that	right?

- A Yes, sir.
- O And you never saw him since 1971?
- A That's right.
- O And that is your testimony, is that right?
- A Yes, sir.

MR. ROSENBERG: Your Honor, I may be through, but I would like to reserve that possibility until after lunch anyway, if we can break at this time.

THE COURT: All right.

All right, ladies and gentlemen, go with the marshal, please.

(The jury left the courtroom.)

THE COURT: All right, you may leave the witness stand.

(Witness temporarily excused.)

THE COURT: Mr. Leighton, how long do you expect your cross to be?

MR. LEIGHTON: 15, 20 minutes, Judge.

THE COURT: Martin J. Siegel?

MR. SIEGEL: 15, 20 minutes, your Honor.

THE COURT: Do you know who your next witness is going to be, Mr. Curran?

MR. CURRAN: Yes, your Honor.

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over yet?

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THE COURT: Has the 3500 material been turned

MR. CURPAN: There is no 3500 material on the next witness, your Honor.

THE COURT: Okay, fine.

MR. PANZER: Your Honor, I just want to say this with respect to that:

I got 3500 material yesterday, but I requested the interview of this particular witness by the U.S. Attorney. I know there must have been an interview and there must have been some notes. I never got those.

I also asked for his rap sheet, whatever that may entail, and I didn't get that, either.

THE COURT: I think somebody has the rap sheet.

I saw it around here.

Of this witness?

MR. PANZER: No, no, the next witness, Provitero

MR. CURPAN: Provitero is not the next witness.

THE COURT: Okay.

MR. PANZER: . I am sorry, Judge.

THE COURT: All right. See you at two o'clock.

(Luncheon recess.)

AFTERNOON SESSION

2.00 P.M.

(In open court; jury not present.)

MR. LEIGHTON: Judge, Mr. Rosenberg asked me to relate to the Court that he has no further questions.

THE COURT: All right.

(Jury present.)

THOMAS DAWSON, resumed.

THE COURT: Mr. Leighton, you may inquire.

MR. LEIGHTON: Thank you, your Honor.

CROSS EXAMINATION

BY MR. LEIGHTON:

Mr. Dawson, you testified that the first time you spoke with Agent Logan about cooperating was some time in the latter part of November of 1971, is that correct?

I wouldn't be able to say for sure whether it was November or not, sir.

- Could it have been earlier? Q
- It's possible.
- How much earlier?
- I couldn't tell.
- Was it the summertime or the wintertime when you Q first spoke with Agent Logan?
 - I can't think of any way to determine what time

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THE COURT: All right, Now I understand.

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Q When you say things that you had to do, these things that you had to do, was that getting a statement

Go ahead, Mr. Leighton.

A No, it wasn't.

Q Was it a statement that certain friends of yours wouldn't be arrested?

from Agent Logan that you wouldn't be arrested for any of

A No, sir.

this information?

Q Was it a statement that certain relatives wouldn't be arrested?

A No, sir.

Q As you sit here now, was it in 1971 or in 1972 that you first started to give Agent Logan information about other people other than yourself?

A At the time that I give information on other people I would have had to give information on myself.

Q When was that? Was that in 1971 or '72?

A It would have been '71.

Q Again, would that be the latter part of '71, the summer of '71? When, to your best recollection?

A I think that would have been the latter part of

hr.4 Dawson-cross Did you ask Agent Logan that if you give this 3 information whether or not you were going to be arrested? No, I didn't. He said that any information that I give I wouldn't be prosecuted for, if I gave truthful 6 information. 7 He said any information that you gave you would be prosecuted for? A I would not. You would not be prosecuted? A Yes. He told you that? 0 A Yes.

At that time, as of 1971, you had spent many years in jail, is that right?

Yes, sir.

That was on three different felonies of breaking and entering, is that right?

Yes, sir.

The first plea in 1950, what was your sentence 0 in that case?

> A Three years.

How much time did you do in jail? Q

About 19 months. Λ

That was for breaking and entering? Q

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1	hp5 Dawson-cross 200
2	A Yes.
3	Q Was that a state offense or a federal offense?
4	A It was safecracking. I don't know what it was.
5	THE COURT: Hold on. This happened I believe in
6	Washington, D.C. So it's a district offense, I guess.
7	Q Was this safecracking in somebody's home?
8	A No, sir.
9	Q Where was it?
10	A It was in a business.
11	Q Then there came a time when you were convicted
12	of a second breaking and entering, is that right?
13	A Yes.
14	O What was your sentence in that case?
15	A Six years.
16	Q Did you plead guilty in that case?
17	A Yes, sir.
18	Q You had a lawyer in that case?
19	A Yes, sir.
20	Q The lawyer tried to work out the best deal
21	possible in that case?
22	A No deal. I always plead guilty when I am guilty.
23	Q The maximum sentence wasn't six years, was it?

No, sir.

Q Was there anybody on the premises when you went in? ...

MR. FORTUIN: Objection.
THE COURT: Sustained.

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	2"
1	hp7 Dawson-cross
2	Q The third conviction, Mr. Dawson, when was that?
3	A 1959.
4	Q What sentence did you receive in that case?
5	A 12 years.
6	Q You had an attorney in that case?
7	A Yes.
8	Q Before you pleaded guilty did your attorney speak
9	to you about the facts of that case?
10	MR. FORTUIN: Objection.
11	THE COURT: Just answer yes or no.
12	A Yes, he did.
13	Q Did your attorney try to work out the best deal
14	possible for you in that case?
15	MR. FORTUIN: Objection.
16	THE COURT: Sustained.
17	Q How much time did you do in jail on the last
18	burglary?
19	A Over seven years.
20	Q You spent almost 15 years in jail on your three
21	pleas of guilty, is that right, sir?
22	A Not that much.
23	Q This third burglary, was that of aprivate house,
24	Mr. Dawson?

MR. FORTUIN: Objection.

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THE COURT: Sustained.

MR. FORTUIN: Objection.

How did you get into the building?

1	hp3 Dawson-cross
2	Q Mr. Dawson, when you became an informant you
3	gave to the agent, AgentLogan, many names, didn't you?
4	A Yes.
5	Q Do you have a daughter?
6	A Yes, sir.
7	Q Her name Linda?
8	A Yes, sir.
9	Q She is married?
10	A Yes, she is married.
. 11	Q She is married to one of twins, is she not?
. 12	A No, sir.
13	Q Do you know twins by the name of Donald and Ronald
. 14	A Yes, sir.
15	Q What are their last names?
16	A I don't know, sir.
17	Q Did one of the twins date your daughter?
18	A Yes, sir.
19	Q Which one?
20	A Donald.
21	Q Wasn't Donald dealing in narcotics?
22	A Yes, sir.
23	Q When was that?
24	A Should have been the last of '71 I can't say

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specifically what time it was. '71 and '72, that I know

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He was dealing your narcotics, is that right? Q MR. FORTUIN: Objection.

THE COURT: I don't know where we are going with this. I will let him answer this one. Go ahead, answer it.

Yes, he was dealing some of the marcotics.

And Donald's brother Ronald, he was dealing in narcotics also, wasn't he?

> A Yes.

And your daughter Linda, she was dealing in narcotics also, wasn't she?

> A Definitely not.

Q Do you know a Pernell Brewster?

A Pernell Brewster? No.

Or a Miss Pearl Brewster? Q

A No.

Q Mr. Dawson, how many people in 1971, up to the middle part of 1972, after you were informing to Agent Logan, how many people were buying drugs from you?

> A From what time was that?

November of '71 up until the middle of '72, the summer of '72.

Two people from November till the time that I quit.

1	hpll	Dawson-cross 2868					
2	Q	You only sold to two different people?					
. 3	λ	From that time, yes, sir.					
4	Q	How about before that time?					
5	. · A.	Three or four, five.					
6	Q	Could it have been maybe ten people?					
7	. A	No.					
8	Q	It could have been five?					
9 .	Α .	Yes.					
10	, O	When you were cooperating and informing to Agent					
. 11	Logan, did	he ever tell you that you could be indicted as					
12	an organizet and superviser of a narcotic ring and receive						
13	a life sen	tence?					
14	Α	If I was caught for something I guess I could.					
15	Q	He told you that?					
16	А	He couldn't tell me that because I didn't have					
17	any charge	on me.					
18	Q	But you were aware of it?					
19	A	No, sir.					
20	Q	When you were arrested in this case did your					
21	lawyer tel	1 you about that?					
22	А	No, sir.					
23	Q	Did Mr. Phillips or Mr. Fortuin ever tell you					
24	about that	?					
25	Α	No, sir.					

hp12

Dawson-cross

Q Mr. Dawson, when you were informing and giving Agent Logan names you gave him the name of Warren Robinson, didn't you?

- A That's right.
- Q Do you remember when you gave Agent Logan Warren Robinson's name?
 - A Some time during 1971.
- Q Mr. Dawson, you testified that you met with Agent Logaon on several occasions, I believe you said five or six, is that correct?
 - A Yes.
 - Q Cculd it have been 40 or 50 times?
 - A I doubt that seriously.
 - Q I didn't hear that.
 - A No, sir.

MR. LEIGHTON: Your Honor, could I have the stenographer read back what the witness originally said.

THE COURT: Sure.

(Answer read.)

- Q To the best of your recollection, your testimony is that you only met with Agent Logan five or six times, is that right?
 - A I would say that, yes.
 - Q If Agent Logan said that he met with you almost

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1	hp13 Dawson-cross
2	50 times, would you say that Agent Logan was lying?
3	MR. FORTUIN: Objection.
4	THE COURT: Sustained.
5	Q Mr. Dawson, if I tell you that Agent Logan
6	testified that he met with you almost 50 times, would that
7	refresh your recollection as to the truth as to whether or
8	not you met him five or six times as opposed to 50 times?
9	MR. FORTUIN: Objection.
10	THE COURT: Sustained.
11	Q Mr. Dawson, let me ask you to read page 2104 of
12	the trial transcript.
13	Mr. Dawson, after reading page 2104, does that
14	refresh your recollection?
15	A It refreshes my recollection to the page, what
16	I read.
17	Q Does it refresh your recollection as to how
18	many times you actually met with Agent Logan?
19	A No, sir.
20	Q It's your testimony then that you met with him
21	only five or six times?
22	A Could have been more, but nothing close to that.
23	Ω How much more?
24	A I never tried to keep up with it.
25	Q Would you say more than 10 times?

She was a girl friend of his and he was selling cocaine to her and I think part of the deal made with Logan was that Bernell would not be arrested either.

THE COURT: I thought it was a man.

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MR. LEIGHTON: My information is it's a female.

If it's a man I will be terribly surprised.

THE COURT: Do you know anything about it?

MP. FORTUIN: I never heard of it.

THE COURT: Let's see what happens.

A No, sir.

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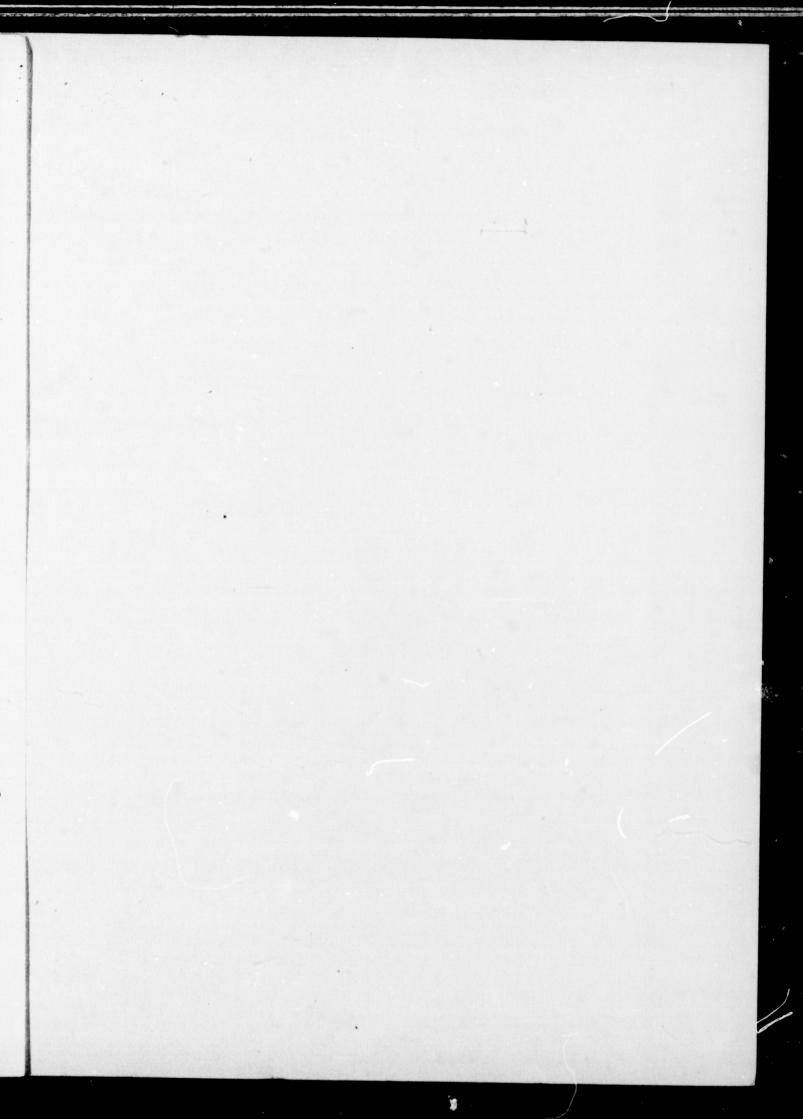
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O In 1971 veren't you arrested in her house where a kilo of cocaine was found?

Weren't you selling cocaine to her?



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MR. FORTUIN: I object.

THE COURT: Let me hear an offer on this.

(At the side bar.)

THE COURT: Yes.

MR. LEIGHTON: The offer is, Judge, that he was, according to my information, in that apartment, there was an arrest, and I believe as part of the consideration for his cooperating that whole case was dismissed, and I think Agent Logan had a thing to do with that case.

I believe the arrest is substantiated by the yellow sheet supplied by the government on June 13, 1971. Although the case was dismissed it became part of the consideration of his cooperating.

I will be bound by his answer. If he says no, I won't pursue it any more with this witness. If he says yes, well --

> THE COURT: This is at Bernell's place? MR. LEIGHTOM: Yes, yes.

THE COURT: All right, let's go ahead. (In open court.)

BY MR. LEIGHTON:

- Do you remember the question, Mr. Dawson? Q
- A Yes, sir.
- I believe the judge has directed that you 0

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answer the question.

A I was arrested in a house where a very small quantity of cocaine was found.

O And neither you nor she were prosecuted in that case, isn't that a fact?

A We were and it was dismissed.

Q It was dismissed because Agent Logan interceded, didn't he?

A Definitely not. It was about 17 people in the house.

O There were 17 people. Were you dealing to any of those people at that time?

A Was I dealing to those people? No. It was a bunch of kids.

Q Were you dealing to those kids?

A No.

Q Was that your heroin or cocaine that was found?

A No, it was not.

Were you the oldest person in that apartment?
MR. FORTUIN: Objection.

THE COURT: I will permit it.

A Sir?

Q Were you the oldest person in that apart-

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Definitely not.

Mr. Dawson, you stated you spoke to Agent Logan a some time after your arrest you spoke with Mr. Phillips and Mr. Fortuin?

Yes, sir.

Mr. Phillips and Mr. Fortuin are assistant United States attorneys; you are aware of that?

Yes, sir.

Other than Mr. Phillips and Mr. Fortuin, have you ever spoken with any other assistant United States attorney?

THE COURT: Concerning this case.

A No, sir.

Did Mr. Phillips or Mr. Fortuin say to you that if you testify in this case they would speak up in your behalf at the time of your sentence?

Yes, sir, if I told the truth fully. A

Which one, was it Mr. Phillips or Mr. Fortuin that told you that?

A Mr. Phillips -- I mean Mr. Fortuin.

Did he tell you he himself was going to Q speak up in your behalf?

I can't remember whether he stated it in those

words or not.

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To the best of your recollection, what did he say to you?

MR. LEIGHTON: Let me withdraw that.

- You testified that you spoke with !!r. Fortuin Q maybe four or five times?
 - A Yes, sir.
 - Mr. Phillips once or twice? 0
 - I spoke to Mr. Phillips once. A
- But at the times you spoke with Mr. Fortuin 0 I believe your testimony was that Mr. Phillips was coming in and out of the room?
 - A I seen him, yes.
 - Had you met Mr. Curran during those occasions? 0
- Really, I don't know who Mr. Curran is. I've heard his name. I can't swear that that's Mr. Curran.
 - He is the gentleman seated next to Mr. Phillips. Q
 - I've heard his name, yes, sir. A
 - Have you seen the gentleman? Q
 - A Yes, sir.
 - MR. KING: He is the boss.
- You have seen him in the U. S. attorney's 0 office?
 - I've seen him in this building. A

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O Did you ever speak with him?

A I guess maybe I've spoke to him. I coulnd't swear to that.

Coming back to your conversations with Mr. Fortuing you spoke with him five or six times?

A Yes, sir.

? And you told him the same story that you told here on your direct examination, is that right?

A That's right.

Mr. Fortuin said to you in words or in substance that if you told the same story in court he would stand up and tell the judge that you testified in court and ask for leniency, dic he not?

MR. FORTUIN: Objection.

THE COURT: Sustained.

MR. LEIGHTON: Is that objection as to form, your Honor?

THE COURT: Yes.

MR. LEIGHTON: Thank you.

Ω Mr. Dawson, did Mr. Fortuin tell you if you told the same story in court that you told him on the five or six occasions, that he would ask for leniency at the time of your sentence?

A He said if I told the truth. I don't think

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that he know what I am going to say here. He said if I tell the truth concerning the case.

- O Didn't you testify earlier that you went over the questions and answers with Mr. Fortuin, the same questions and answers that he asked you in court here?
 - A To an extent, yes.
 - Q Have you ever testified in court before?
 - A No, sir.
 - Q This is the first time?
 - A Yes, sir.
- O Mr. Dawson, from the time you agreed to become an informant with Agent Logan, which you say is the latter part of 1971, how many narcotic transactions were you involved with personally before you told Agent Logan that you were involved yourself?
- A How many narcotic transactions was I involved in before I met him, is that the question?
- Ω Before you told Agent Logan that you were still dealing in narcotics?

THE COURT: I think you mean after November, is that correct?

MR. LEIGHTON: That's correct.

- A Two.
- Q Were they with Fred and Hoochie?

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A	No.

- Ω When did you deal with Fred and Moochie?
- A I don't know Fred.
- Q You know who hoochie is?
- A Yes.
- Q Did you deal with Moochie after November of 1971?
 - A Most likely, yes, sir.
- Q When was it that you told Agent Logan that you were still dealing in narcotics even though you were informing?
- A I never told him that. I never said anything to him in those words.
- Q Did you ever tell any of his brother officers that you were still dealing?
 - A No, sir.
- Ω So in effect you were really using Agent Logan?
 - A No. sir.
- O Mr. Dawson, Warren Robinson, you stated, owned a haberdashery store in Washington, D.C.?
 - A Yes, sir.
- Ω . When was the first time you were in that store?

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A It should have been some time in '69 or '70, if it was open in '69. I installed a burglar alarm in there for him.

- Q And you also bought some clothing in that store, didn't you?
 - A That's right.
- Q And up until 1971 or the middle of 1972 you were in that store several times, weren't you?
 - A Yes, sir.
- Q Mr. Robinson employed four or five people in that store, didn't he?
- A I would say that it was four or five or ten there most of the time. I can't say whether they were employed.
- Q Mr. Dawson, after 1971 didn't you try to set up your friend Warren Robinson with Agent Logan for a buy of narconics?

MR. FORTUIN: Objection.

THE COURT: No, I will permit it.

- Q Didn't you bring Agent Logan into Warran Robinson's store?
 - A No, sir.
- O Weren't you outside when you saw Agent Logal go into Warren Robinson's store?

1	gta Dawson-cross 2882
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3	Q Agent Logan never arrested Warren Robinson,
4	did he?
5	A Not that I know of.
6	MR. LEIGHTON: I have no further questions.
7	THE COURT: All right. Mr. Siegel.
8	CROSS EXAMINATION
9	BY MR. SIEGEL:
10	Ω Mr. Dawson, you previously testified that
11	on your last conviction, where you were sentenced to 12
12	years in prison, you only served seven years, is that cor-
13	rect?
14	A I said more than seven.
15	Q Was it more than eight, approximately?
16	A It was close to eight, not eight.
17	O Close to eight?
18	A Yes.
19	Q Were you placed on parole for the additional
20	four years?
21	A Yes. Not parole; conditional release.
22 .	Ω And were there any terms of that conditional
23	release? Did you have to report to a parole officer?
24	A Yes.
25 .	O And how often did you have to report to that

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A No, sir.

parole officer?

λ I think it was every 30 days, or something like that.

- Ω Every 30 days?
- A I think it was every 30 days.
- Q And you were scheduled to be released from that parole at the conclusion of that four years, which would have been approximately 1972, is that correct?
 - A That's correct.
- Q And during the time you were involved in narcotics were you seeingyour parole officer every 30 days?
- A No, sir. I didn't -- I wasn't involved in narcotics while I was on conditional release.
- Ω You said your conditional release was terminated in 1972?
- A They don't -- it's not ran like that in Washington. You don't have to go from day to day.

I was also placed on some special act. I was the first man to ever get the nonsupervision parole in Washington.

Q You were on a form of restriction for four years following your release from the penitentiary?

Yes or no.

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Q You were not under any form of restriction for that four years that you were released from the penitentiary?

A Not for the four years, no, sir.

Q How long were you under the form of supervision? Three years?

A It could have been. I think it was over three years.

Ω Do you know --

A I didn't have anyone to report to after maybe a year and a half, two years at the most.

O Do you know when, approximately, you terminated your parole status or your restriction status, approximately? Was it in 1971?

A I think that I was released in March of '67 or '68, one of the two, and I must have --

Q Do you know which year you were released?

MR. FORTUIN: Objection, your Honor.

The witness was in the middle of an answer.

MR. SIEGEL: Your Honor, he said '67 or '63.

I was trying to ascertain which year it occurred.

THE COURT: Okay. Don't anticipate.

Let him finish.

MR. FORTUIN: Can he finish that answer,

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2 your Honor?

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THE COURT: Yes.

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of that same answer.

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I was released either in March of '68 or '67.

I would have to count it up. And --

So in order --

MR. FORTUIN: He is still in the middle

THE COURT: That was what I was trying to warn him against. If he said "And" let him finish that part.

And my record was so good that they picked me --MR. SILGEL: Objection to everything after "And" and a motion to strike.

THE COURT: Yes, I will strike it.

The question was when.

Go ahead, next question.

During the time you were on restriction were you involved in the sale of narcotics?

That could possibly be a technical answer. A If I would say --

0 Well --

THE COURT: Let him answer it.

I was released from supervision at an early period after I was released from the reformatory. It

1	gta Dawson-cross 2886
2	was a new Act, that I was the first man to get it.
3	THE COURT: Okay.
4	MR. SIEGEL: Objection.
5	THE COURT: Let me just back up and see if
6	I can get this question and answer.
7	After you were released from prison, you were
8	on a conditional release program, is that correct?
9 .	THE WITNESS: Yes, sir.
10	THE COURT: Part of that time you were on
11	an unsupervised conditional release program?
12	THE WITNESS: Yes, sir.
13	THE COURT: All right. Even while you wer
14	on this unsupervised conditional release program during
15	that period were you dealing in narcotics?
16	THE WITNESS: If I had to swear to it, your
17	Honor, I think I would have to say yes.
18	THE COURT: Okay. Go ahead, next ques-
19	tion.
20	BY MR. SIEGEL:
21	O Mr. Dawson, do you realize you are under oath
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here?

THE COURT: Yes, I am sure he does, Mr.

Siegel. All right.

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Have you been prosecuted for violating your

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parole status in that you were dealing with narcotics?

A No, sir.

Q In Washington, D.C. is that a felony, violation of probation?

THE COURT: If you know.

A If you were -- if you were caught for doing something wrong and you were found guilty, they would send you back to make you do the rest of the time, yes.

Q Is dealing in narcotics doing something naughty?

A Yes, sir.

O So you just weren't caught?....

A That's right.

THE COURT: No, I will permit it.

Q Was Agent Logan aware of your parole violation?
THE COURT: If you know.

A I can't see where there was any violation.

O Pardon me?

A I can't see where there was a violation.

If I'm not arrested for it, how could there be a violation?

O Mr. Dawson, you acknowledge that it is a breach of law to sell narcotics?

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MR. FORTUIN: Objection.

THE COURT: Yes. I don't think we have to get into that.

Did you tell Agent Logan that you were on conditional release from your prior offense?

THE WITNESS: At the timethat I met Agent
Logan I think that I was off of conditional release
fully.

THE COURT: I see. Did you ever mention to him that you were on conditional release and at the same time you dealt in narcotics?

THE COURT: All right. The Court And cight.

BY MR. SIEGET :

Ω During the year of 1971, Mr. Dawson, how much money did you earn from the sale of narcotics?

A It would be impossible to tell.

Q Do you know how much money you earned during the year of 1972 from the sale of narcotics?

A No, sir.

Q Did you file a tax return for the years 1971 and

A '71, yes.

Q Did you include on your ---

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2	A P-2, roughly, yes, '72, '70. I can't
3	remember whether I filed '71 or not.
4	Q You can't remember, Mr. Dawson?
5	A No, I can't.
6	Q Are you telling us about dates that happened
7.	three and four years ago, yet you don't remember if you
8	filed a return?
9	MR. FORTUIN: Objection.
10	THE COURT: Sustained.
11	Q In the years in which you filed a tax return
12	did you include the moneys earned from the sale of narco-
13	tics?
14	A No, sir.
15	O Have you peen indicted for the crime of viola-
16	tion of tax laws, which is a felony?
17	A No, sir.
18	Q The charge you pleaded guilty to in this court
19	was a felony, is that correct?
20	A Yes, sir.
21	Q And that would make it your fourth felony on
22	conviction in your life?

mentative.

THE COURT: In his life, yes.

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MR. FORTUIN: Objection. It is argu-

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Λ Yes.

And violation of the tax laws would be, if you were to plead guilty, your fifth felony conviction, is that correct?

Objection. It is hypothetical MR. FORTUIN: and argumentative.

THE COURT: That is totally hypothetical and I will sustain it.

- Are you presently receiving money from the United States government?
 - Expense for coming here.
- Are you receiving any witness fee for testifying?
 - Receiving any witness fee? A
 - A witness fee for testifying? Q I didn't hear your answer, Mr. Dawson.
- I'm trying to figure out what a witness fee A would be.
 - Are you paid money for testifying?
- No, sir, not for -- in the tecynical sense, my expenses are being paid for here, for coming here, yes, sir. I don't know whether that would be a witness fee or what it is.
 - When did you start receiving this expense money?

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The last time I was here or the time before. A I can't remember when it started.

How much money did you receive the first time you came up here as expense money?

I think it amounted to \$270. A

\$270? 0

Yes, sir. A

And that was for your expenses going from Washington, D.C. to New York City?

From Tennessee to New York City. A

From Tennessee? 0 .

Yes.

How much money did you receive the second time you came up here?

Yes.

Sir, I can't remember the amounts. A

You can't remember?

My expenses was paid for the transporta-No. A That's all I'll tion and the days that I stayed here. be able to say.

While you were cooperating with Agent Logan you testified that you were still engaged in the narcotics business, is that correct? While you were a cooperating individual you were still in the narcotics business?

When I met him, yes, I was.

- Q And you continued in that narcotics business after you met Agent Logan?
 - A Yes.
 - Q And you knew he was an agent?
 - A Yes.
- Q And he permitted you to continue to deal in narcotics?
 - A He didn't know I was dealing in narcotics.
 - O He didn't know you were dealing in narcotics?
 - A No.
- Q Did he ever tell you not to deal in narcotics?
 - A Definitely, sure. Desinites, and
- Q And you went behind his back andyou dealt in narcotics?
 - A I guess that statement would be true, yes.
 - Q So you breached your word to Agent Logan?
 - A There was no word as to whether I was dealing in narcotics or not.
- Q Did Agent Logan know you were dealing in narcotics?
- A He knew that that was the word on the street when he met me, otherwise --
 - Q How about after he met you?

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A Some time after he met me, yes.

Q So he knew that you were dealing in narcotics after you became a cooperating individual? Is that what you are saying, Mr. Dawson?

A No, sir. No, sir.

Ω So you were dealing in narcotics without Agent Logan's permission?

A Yes, sir.

Q Didn't Agent Logan tell you not to deal in narcotics any more?

A I guess it would be assumed by ir. Logan that if I was giving information, that I would be out of narcotics.

Q So you broke your word to Agent Logan?

MR. FORTUIN: Objection. That is not
what he said.

THE COURT: Yes, that is not what he said. There is an assumption there.

Q Do you ever use or have you ever used any narcotics, Mr. Dawson?

A No, sir.

You testified yesterday, I believe, that you were at a motel in the Bronx and you were there with a Ken, a Cooper and a Steve, and that you were testing the value or thequality of narcotics and that certain people tested it out. Do you remember that testimony?

A Yes.

Q You remember your testimony when you said you observed Steve shoot it in his veins?

A That's right.

Q What was your reaction at that time?

MR. FORTUIN: Objection to the state of mind,

your Honor.

THE COURT: I will sustain it.

MR. SIEGEL: Your Honor, if I may be allowed to continue this line of questioning, I feel that Mr. Dawson has in fact established himself --

THE COURT: All right. Don't make a speech about it. Come on up here.

(At the side bar.)

THE COURT: Listen, I sustained that objection for two reasons. One, I thought the question was objection able, way outside the scope of direct. But more importantly, if he answers it he can kill you with it. What you are doing is opening Pandora's Box.

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MR. SIEGEL: I will explain to you my reason.

THE COURT: I am surprised they even objected to

it.

MR. PHILLIPS: He wasn't authorized to object, your Honor. It was ultra vires.

MR. SIEGEL: My theory is that as a merchant of death, which Mr. Dawson has admitted he is, a merchant of death, at least we should get some understanding of what his feeling is when he sees somebody injecting a needle into his arm.

THE COURT: No. I am telling you, if you insist on asking the question he can absolutely destroy you. something

MR. SIEGEL: Based on that -- Gased on that

THE COURT: And you are stuck with it. That is the worst part of it.

MR. SIEGEL: Based upon that bit of judicial guidance, I will withdraw the question.

THE COURT: All right. How long are you going to be?

MR. SIEGEL: I should be through by the break, at at 10, 15 minutes.

THE COURT: All right.

(In open court.)

BY MR. SIEGEL:

Mr. Dawson, you testified that you were at one

	2896
hp3	Dawson-cross
time at an	individual named Hank's house and that this
individual	had a Doberman Pinscher?
А	I think that it was a Noberman Pinscher.
Q	Do you remember what the dog looked like that?
A	It was a big dog, all I know. It was a big dog,
that I remo	ember. He was in one of the bedrooms.
Q	Do you remember what color it was?
A	I remember that it was a dark color.
Q	As a fourth felony offender, sir, how much time
do you face	e in D.C., if you know?
	MR. FORTUIN: Objection.
Q	If you know
	THE COURT: Sustained
	MR. SIEGEL: Your Honor, I didn't hear the
Court's ru	ling.
	THE COURT: I sustained the objection.
Q	Mr. Dawson, do you remember having conversations
with Agent	logan back in November, 1971?
. A	I remember having conversation with Agent Logan.
I don't kn	now when the time was.
. Ω	When did this incident over at Hank's house occur?
A	In 1971.
Q	It has 12 months. What month was it in?
λ	Between April and June.
	time at an individual A Q A that I remove Q A Q do you face Q with Agent A I don't kn

- 2897 hp4 Dawson-cross 1 That is a 90-day period, three months. Could 0 you be any more specific? 3 No, sir, I cannot. 5 When you spoke to Agent Logan back in November of Q 6 '71, did you tell him about this alleged meeting at Hank's house? 7 8 A At some time during my talks with Mr. Logan, 9 I did. Mr. Dawson, I show you Government's Exhibit 3573 10 11 for identification. It's Agent Logan's report. I would 12 like you to read through that report and see if it will 13 refresh your recollection as to what you told Agent Logan. Thave read this report. read this in A
 - Q You have?

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- A I have read this report.
- Q Does it refresh your recollection what you told Agent Logan?
 - A No, sir, it's not there.
 - Q I didn't hear your answer.
 - A No, sir.
 - Q Because it's not in the report, is it?
- mR. FORTUIN: Objection as to what is in the report and what isn't in the report. We have no objection to the receipt of the report into evidence.

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THE COURT: I know, I know.

I will sustain the objection.

- Q Did you tell Agent Logan in November of 1971 about the meeting in Hank's house?
 - A At some time I told him. I don't know when.
- Q I draw your attention to the report, Government's Exhibit 3571, Agent Logan's report dated February 2, 1972. I would like you to look through that, Mr. Dawson, and see if it will refresh your recollection if you told him in February of '72.

Did you tell him in February of '72, Mr. Dawson?

- A I don't know when I told him a t may the Land
- Q I show you Agent Logan's report dated January 20, 1972. I would like you to refresh your recollection, see if you told him in January, '72. This is all within six to nine months after this incident happened.

Does that refresh your recollection, Mr. Dawson?

- A It does not.
- Q Did you have a conversation with Special Agent Logan on or about May 11, 1972?
 - A Yes.
- Q At that time did you tell him about this alleged meeting in Hank's house?
 - A I don't recall.

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MR. SIEGEL: Referring to 3572, your Honor.

- Q Read it, see if it will refresh your recol-
 - A It does not.
 - Q Does that refresh your recollection, Mr. Dawson?
 - A No, sir.
 - Q Do you know a Special Agent Landrum?
 - A Yes, sir.
- Q During the period of December 19th through the 20th, 1973, did you have a conversation with him down in Alexandria, Virginia, about this case?
 - A Not specifically about this case, no, sir.
- Q Did you have a meeting in Room 421, the Holiday
 Inn, 2460 Eisenhower Avenue, Alexandria, Virginia?
 - A Yes.
- Q Did you discuss this case with him, the people involved in this case, on that day or on those two days?
 - A Some of the people involved in this case, yes.
- Q Did you tell him about this alleged meeting in Hank's house back in April through June of 1971?
- A I can't remember whether I told him about it or not.
- Q I show you Government's Exhibit 3575 for identification. I would like you to read this statement

Did you tell any agent about the meeting over at

Not that I knew of.

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Hank's house?

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Would that be a fair statement of the facts?

A I would think it would average out to something like that.

Q During the course of these conversations how many times did Mr. Fortuin have to mention the name Hank before you could remember what happened?

- A I remembered Hank long before that.
- Q Who did you tell?
- A Mr. Logan.
- Q Was it in Mr. Logan's reports?

 MR. FORTUIN: Objection.
- Q If you know.

MR. FORTUIN: Objection. " POPTUY:

THE COURT: Sustained.

MR. SIEGEL: Your Honor, may I have a side bar at this time?

THE COURT: Sure.

(At the side bar.)

THE COURT: Don't tell me you want to offer the reports too.

MR. SIEGEL: No. I see it's about 3.15.

My cross-examination will last a little longer. I was wondering if we could have our break now.

MR. FORTUIN: Your Honor, I would like to be

hpl0 Dawson-cross 2903	
able to speak to the witness prior to the redirect.	
THE COURT: How long are you going to take?	
MR. SIEGEL: Possibly ten more minutes.	
THE COURT: Why don't you go ahead and get it over	
with.	
MR. SIEGEL: All right.	
(In open court.)	
BY MR. SIEGEL:	
Q Mr. Dawson, have you ever snorted cocaine?	
A No, sir.	
Q Have you ever used any form of illegal or illicit	
drugs?	
A No, sir.	
MR. SIEGEL: Your Honor, I have no further question	1
of this witness.	
THE COURT: All right. Ladies and gentlemen,	
this is an appropriate time to take our afternoon break.	
(Jury left the courtroom.)	
THE COURT: All right, Mr. Dawson. Why don't you	i
go back to the witness room.	1
(Witness left the courtroom.)	
THE COURT: Does anybody else wish to cross-	
examine this witness?	
	able to speak to the witness prior to the redirect. THE COURT: How long are you going to take? MR. SIEGEL: Possibly ten more minutes. THE COURT: Why don't you go ahead and get it over with. MR. SIEGEL: All right. (In open court.) BY MR. SIEGEL: Q Mr. Dawson, have you ever snorted cocaine? A No, sir. Q Have you ever used any form of illegal or illicit drugs? A No, sir. MR. SIEGEL: Your Honor, I have no further question of this witness. THE COURT: All right. Ladies and gentlemen, this is an appropriate time to take our afternoon break. (Jury left the courtroom.) THE COURT: All right, Mr. Dawson. Why don't you go back to the witness room. (Witness left the courtroom.) THE COURT: Does anybody else wish to cross-

I am greeted by a tremendous silence. I assume

1	hp11
2	that no one does.
3	Let's be back here at 3.30.
4	MRS. ROSNER: Judge, can we see you in chambers
5	for a moment before we start again?
6	THE COURT: Come in now.
7	MRS. ROSNER: Come in now?
8	THE COURT: Yes.
9	(Recess.)
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(In the robing room.)

THE COURT: What is the problem?

MR. PHILLIPS: Your Honor, the problem, basically, is that I would like at this time to just briefly be heard further on the question of the admissibility of the narcotics found in the Hansen apartment at 150 West 225th Street or the apartment that we contend the Hansens were occupying at that time, in October of 1973.

The reason I would like to be heard further,

I wasn't clear as to the basis of your Honor's ruling, but

I would like to point out, and I don't think your Honor

is aware of this, that at the time the agents went there

they found, in addition to the narcotics and the photo
graphs that have already been received in evidence and

identified by Harry Pannirello, an envelope, inside of which

was a copy of a lease to that apartment, as well as

copies of several cancelled checks that were paid go the

landlord that were signed by Hattie Ware, the lease having

also been signed by Hattie Ware. In addition, there

were telephone bills from the New York Telephone Company

addressed to Hattie Ware at that apartment.

So we submit that they now become probative with respect to the participation of Hattie Ware in this con-

spiracy much m ore so than they were before inasmuch as ne Hansens are presently fugitives.

with respect to the legality of the seizure, your Honor, in your Honor's opinion, ruled that Hattie Ware did not have standing, and even if she did have standing the seizure of the photos was legal.

with respect to the narcotics, we submit
that it was clearly unquestionably a legal seizure because
they went there with a bench warrant issued out of the
Southern District as a result of an indictment being
filed and narcotics were all over the floor in plain
view, so I don't think that we even have to get to
the stickier question of the standing of Hattie.
Ware to contest the seizure of the narcotics, which does
present, obviously, a closer question, although the
government will contend that under the footnote in
Brown unless Hattie Ware is charged with possession of
narcotics, which she is not, or they were found on her
person and actually had a possessory interest, she would
not have standing.

MR. PANZER: Your Honor, may I be heard?

THE COURT: Sure.

MR. PANZER: I am really amazed, because the government at the motion to suppress adopted the

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the position that Hattie Ware had no standing. They never alleged that it was her apartment.

The lease that they now want to introduce into evidence and the cancelled checks were not the subject of a motion to suppress because they never contended that she had standing.

I was unaware of the cancelled checks. I
was aware that there was a lease signed. I don't
know whether it was or was not signed by Miss Ware. She
is not able to remember that.

But this is a seizure after her participation in the conspiracy had ended, because she obviously was under arrest before. They can't introduce it on the substantive count. They are now saying, "We can introduce it on the conspiracy count."

I don't believe that is the law. I don't think Brown decided that.

If your Monor is going to rule that they
can, then I think I would be entitled to a motion on this
additional evidence, where the agents seized this, was
it proper for them to seize this. Certainly it wasn't
lying out in open view like the pictures were and they
didn't need this to find Mr. Basil Mansen.

So if the government on the one hand is saying,

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"Well, you don't have any standing, but we can offer it against you on the conspiracy count," I find that to be a very ridiculous position for them to take.

THE COURT: It is not, really. The

MR. PANZER: I understand the law of conspiracy, but I don't think it has been extended this far yet.

He made reference to the Brown case, if I may finish. The argument was not made with respect to the conspiracy in the lower court in the Brown case and I, of course, am making it now to preserve the record.

THE COURT: Okay. I hear you both.

You are not going to do it this afternoon?

MR. PHILLIPS: No.

THE COURT: All right. I will tell you tomorrow whether you can do it.

MR. PANZER: You are not going to put Molan on to testify about that this afternoon?

MR. PHILLIPS: I was going to put Nolan on, but he is not not going to put the narcotics in.

MR. PANZER: But he is going to put the lease

in.

MR. PHILLIPS: Yes.

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MR. PANZER: That is exactly what I am arquing.

You are saying if the narcotics MR. PHILLIPS: does not go in, the lease doesn't have any probative value? MR. PANZER: We already had a ruling on the narcotics. I hope the judge won't change his mind.

MR. PHILLIPS: We submit the lease and cancelled check have a probative value because they show a connection between Hattie Ware and Basil, which our witness Pannirello said. He said that he delivered narcotics at the apartment with Hattie Ware present.

MR. PANZER: Then there should be a motion. I don't know where this was seized. Now, you are going to come back to the argument that she has no standing.

MR. PHILLIPS: It was seized in the apartment of 150 West 225th Street, the same apartment that the photographs were seized.

THE COURT: Let us take the redirect.

MR. ROSEHBAUM: I remember Saturday morning, your Honor, I told the court that there were certain surveillance records with reference to the defendant Vincent D'Amico. A statement apparently was made by the arresting marshals or the federal agents that they had Mr. D'Amico under surveillance for approximately

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four months prior to his arrest on October 4, 1973, and I requested the government to submit copies of the surveillance report and your Honor said that you would think about it, and I was just wondering if the court has come to a decision, especially in view now of the extensive latitude of letting the government put matters in here relating to the conspiracy.

This report, the surveillance report, your Honor, may have a very direct bearing on the credibility both of the government's witness -- that is, Mr. Stasi -- and the entire conspiracy with reference to Mr. D'Amico.

on the credibility of Mr. D'Amico, because he may decide whether or not to deny he was in certain places.

MR. ROSENBAUM: I have to see the report.

THE COURT: None of the surveillance has been testified to up to this point, right?

MR. PHILLIPS: That's correct.

THE COURT: That I heard.

MR. PHILLIPS: We have no surveillance photographs of Mr. D'Amico.

MR. ROSENBAUM: The agent, your Honor, told my client very distinctly, "We lived with you and saw where you ate, slept and everything else for four months

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preceding the arrest," and I think it may have a very strong bearing on his part, if any, in this conspiracy.

MR. PHILLIPS: I don't know of any provision of the law that provides for the production of surveillance.

THE COURT: I don't either.

Was such that it would indicate my client had met with other co conspirators or was in any way detrimental to him it would, of course, have a very direct bearing on it.

On the other hand, in view of the fact that it may not have any report indicating any association with any other co-defendants, I think it has an equal bearing on the case, and at least at this point I would like to have an opportunity to examine it. The government is asking for its cake and eating it at this point.

THE COURT: I don't think the government thinks in was guite that.

MR. ROSEMBAUM: That was a rather harsh cor-

THE COURT: We recognize there is nothing personal between the attorneys in this case.

No, I am not going to order the government at this time to offer the surveillance reports, if there are

any in fact.

All right. Let me go out and take care of -MR. PANZER: Your Honor, may I just add one
other thing that has come to my mind?

MR. ROSENBAUM: May I respectfully except to that, your Honor?

THE COURT: Yes. You don't have to.

MR. PANZER: On this issue of standing, I think we stipulated -- I don't know what was in the government's possession -- that Hattie Ware never paid the rent on this particular paartment and that was one of the criteria that your Honor ruled that she had no standing.

Now Fr. Phillips comes in and he is going to offer checks into evidence which would show she did pay the rent in the apartment.

THE COURT: I am not sure whether there was a stipulation about the rent or not.

THE COURT: I don't recall. I will take

a look at it.

MR. PANZER: You know, I can't understand the government's position.

MR. PHILLIPS: How can you enter into a stipulation if you did pay the rent?

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She told me she didn't pay MR. PANZER: I have to go on what my client tells me. the rent. If you have evidence that she does I think in all fairness, you are asking the judge to make a ruling on standing, you should present the facts to the judge.

....

MR. PHILLIPS: As long as this is on the record, I will represent to the court that the documents which indicate that she did pay the rent were first examined by me, although they have been in the government's possession because they were seized by agents of the Drug Enforcement Administration, were first presented to me after the hearing that took place with respect to the seizure of the photographs from the apartment that is in question. I don't recall whether it was a week ago that I first saw the documents or several days ago.

Let us go out and finish the re-THE COURT: direct.

(In open court; jury present.) REDIRECT EXAMINATION

BY MR. FORTUIN:

Mr. Dawson, if you recall, on direct examination, and again on cross, you testified about a meeting at Co-op City with Georgie when Ann was present and then when she

1	gta	Dawson-redirect 2914	
2	wasn't pre	sent. Do you recall that?	
3	A	Yes, sir.	
4	Ω	Who asked Ann to leave?	
5	А	It would have to have been Georgie. I	
6	wouldn't h	ave had any reason to	
7		THE COURT: Hold it. We can't hear it.	
8	Put on the	microphone, please.	
9	A	It had to be Georgie. I wouldn't had any	7
10	reason to	ask Ann to leave.	
11		THE COURT: But do you remember?	
12		THE WITNESS: Yes, sir.	
13		THE COURT: All right.	
14	Ω	And after Ann left did Georgie tell you why	he
15	asked her	to leave?	
16	Α	Yes, sir.	
17		MR. ROSENBERG: Objection, your Honor.	
18		THE COURT: All he answered was yes. I	
19	am sure yo	our objection is coming up in connection with	the
20	next quest	ion.	
21	Q	What did he tell you?	
22		MR. ROSENBERG: Objection.	
23	•	THE COURT: No, I will permit it.	
24		Go ahead.	
25	λ	He told me that Ann would be out of it and	if

anything ever happened that one of us got arrested, that he would knew it would be me, because he would never tell Ann, that he would know it would be me, and that he asked me had I had a relation with Ann, and I said yes, and he said --

Q Forget about that part, Mr. Dawson.

MR. SIEGEL: Objection, your Monor. I think the witness ought to finish the answer completely.

THE COURT: They want the rest of the answer.

A Hw said she was no good for us, that both of us should stay away from her. He said that he also had had a relation with her.

Q In November, 1971, Mr. Dawson, you said you spoke to Mr. Logan and at that time, in response to Mr. Leighton's questions, you said there were things you had to do before you could cooperate fully.

What things did you have to do?

MR. ROSENBERG: Objection.

THE COURT: Sustained.

MR. FORTUIN: Okay.

Q With respect to that same meeting, at the time that you spoke to Mr. Logan, did you tell him that Georgie was the boss of the narcotics distributing --

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MR. ROSENBERG: Objection.

MR. SIEGEL: Objection.

THE COURT: Sustained.

Q You also spoke about a meeting that you had with Agent Logan in January of 1972. At that time where was Georgie?

MR. ROSENBERG: January of 1972?

MR. FORTUIN: I am sorry. That would be right, January of 1972.

THE COURT: Yes. I will sustain it.

Q When you spoke to Agent Logan in 1971 and 1972 did you go into as much detail with him about narcotics transactions in New York as you did in your testimony here?

MR. SIEGEL: Objection, your Honor.

THE COURT: Sustained.

O Mr. Dawson, do you know, when you had these meetings with Logan, if he wrote down everything that you said to him?

MR. SIEGEL: Objection, your Honor.

THE COURT: I will permit it.

Go ahead, answer it.

A No, sir, he did not. We rode from Washington --

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_ 1	gta Dawson-redirect 2917
2	THE COURT: All right, that is enough.
3	Q Mr. Dawson, where did these conversations
4	take place?
5	A Some time in the car, some time in the office.
6	THE COURT: When you say the office do you
7	mean his office, Agent Logan's office?
8	THE WITHESS: Yes.
9	Ω You also testified this morning that you
10	pleaded guilty to the conspiracy count in the indictment
11	in this case, is that correct?
12	A Yes, sir.
:: 13	O Were you named in any other counts in the
• 14	indictment?
15	MR. SIEGEL: Objection.
16	A No, sir.
17	THE COURT: I would permit it.
18	Ω So you pleaded guilty to the only name in which
19	you were named?
20	A Yes, sir.
21	Q Incidentally, Mr. Dawson, do you know what
22	judge will sentence you in this case?
23	MR. SIEGEL: Objection, your Honor.
24	THE COURT: Yes, I will sustain it.
25	Ω Mr. Dawson, you also testified about money that

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Ladies and gentlemen, I am going to letyou

silence that nobody else does.

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go a little early today. It is for personal reasons. In case you haven't guessed with this gravelly voice of mine, I don't feel particularly good, and I know when I don't feel particularly good I get kind of shorttempered, so it is just as well if we break a little early today. All right?

Mr. Marshal, would you escort the jury out. Everybody else remain seated.

(The jury left the courtroom.)

I have gone THE COURT: All right. through --

MR. FORTUIN: Your Honor, may the witness . be excused?

> THE COURT: Yes. All right, Mr. Dawson. (Witness excused.)

THE COURT: I have gone through what someone referred to as the unredacted copy of 3575, which the government marked as 3575A. This particular document I believe was sent up by the Flash Gordon machine, right? That is correct.

THE COURT: It was sent up from Washington. The parts which were cut out and are not contained in Government's Exhibit 3575 have absolutely nothing to do with this case. Under the circumstances, I am

MR. FORTUIN:

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directing the clerk to seal 3575A and make it a court's exhibit so that if the Court of Appeals disagrees with me they will have the opportunity to see it.

Does anybody have any applications to finish off the day?

All right.

MR. LOPEZ: Your Honor, just so that we can be prepared tomorrow, we have been told the next witness does not have any 3500 material.

THE COURT: Yes.

MR. LOPEZ: At least may we know who the next witness is so that we can at least be alcrted in case there is any cross material we should have we can refer to.

MR. CURRAN: He is an agent, your Honor.

MR. LOPEZ: Thank you, Mr. Curran.

THE COURT: Okay.

MR. LOPEZ: Very forthright.

THE COURT: All right.

MR. PANZER: Your Honor, I think the next wit ness is the witness you have to make a ruling about.

THE COURT: Yes, I am aware of that.

Yes, Mr. Pollak?

MR. POLLAK: Your Honor, with respect to if

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and when the government is going to call Mr. Provitero, since I learned yesterday somehow that there has been some out-of-court identification of my client, I would ask to be advised if that witness had made an out-of-court identification. And if the government intends to ask him to make an in-court identification I would ask that a lineup be organized to see if he is able to make such an identification.

THE COURT: You want a lineup?

MR. POLLAK: Yes. And if there is an outof-court identification that was made, I would want a
Wade hearing.

when it comes. I don't know about this lineup though.

Who are we going to put in it?

MR. POLLAK: I am sure --

you cannot go in it.

MR. WARNER: Your Monor, it will be necessary for me to be absent for all or a portion of tomorrow.

Mr. Richman will cover for me in my place.

THE COURT: All right, fine.

Anything else?

Name

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WITNESS INDEX

Direct Cross Redirect Recross

Thomas Frank Dawson (Resumed)

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